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BEFORE THE  
ILLINOIS COMMERCE COMMISSION  
REGULAR OPEN MEETING  
(PUBLIC UTILITIES)

Tuesday, August 6th, 2013

Met, Pursuant to notice at 10:30 a.m. in the  
Audiovisual Conference Room, 8th Floor, 160 North LaSalle  
Street, Suite C-800, Chicago, Illinois.

PRESENT:

- MR. DOUGLAS P. SCOTT, CHAIRMAN
- MR. JOHN T. COLGAN, COMMISSIONER
- MR. MIGUEL DEL VALLE, ACTING COMMISSIONER
- MS. SHERINA E. MAYE, ACTING COMMISSIONER
- MS. ANN MCCABE, COMMISSIONER

MIDWEST LITIGATION SERVICES

BY: GWEN BEDFORD, CSR

License No. 084-003700

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P R O C E E D I N G S

CHAIRMAN SCOTT: Pursuant to the provisions of the Open Meetings Act, I now convene a Regular Open Meeting of the Illinois Commerce Commission. With us in Springfield is Commissioner Colgan. With me in Chicago are Commission McCabe, Acting Commissioner Del Valle and Acting Commissioner Maye. I'm Chairman Scott. We have a quorum.

Before moving into the agenda, according to Section 1700.10 of Title 2 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 Commission meetings. According to the Chief Clerk's office, we have no requests to speak at today's meeting.

The first item of business on today's agenda is the approval of minutes from our July 10th Bench Session. I understand amendments have been forwarded.

Is there a motion to amend the minutes?

ACTING COMMISSIONER MAYE: Moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER MCCABE: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

1 All in favor, say "AYE"?

2 (A CHORUS OF AYES)

3 CHAIRMAN SCOTT: Any opposed?

4 (NO RESPONSE)

5 CHAIRMAN SCOTT: The vote is 5-0 and the  
6 amendments are adopted.

7 Is there now a motion to approve the  
8 minutes as amended?

9 ACTING COMMISSIONER MAYE: So moved.

10 CHAIRMAN SCOTT: Is there a second.

11 COMMISSIONER MCCABE: Second.

12 CHAIRMAN SCOTT: All in favor, say "AYE".

13 (A CHORUS OF AYES)

14 CHAIRMAN SCOTT: Any opposed?

15 (NO RESPONSE)

16 CHAIRMAN SCOTT: The vote is 5-0 and the July 10th  
17 Bench Session minutes, as amended, are approved.

18 We will now move on to Item 2 which is  
19 Docket No. 12-0478. This is Richard Clayton's  
20 complaint against ComEd as to billing/charges. ALJ  
21 Riley recommends entry of an Order denying the  
22 complaint.

23 Is there a motion to enter the Order  
24 denying the complaint?

25 COMMISSIONER MCCABE: So moved.

1 CHAIRMAN SCOTT: Is there a second?

2 ACTING COMMISSIONER DEL VALLE: Second.

3 CHAIRMAN SCOTT: It has been moved and seconded.

4 All those in favor, say "AYE"?

5 (A CHORUS OF AYES)

6 CHAIRMAN SCOTT: Any opposed?

7 (NO RESPONSE)

8 CHAIRMAN SCOTT: The vote is 5-0 and the complaint  
9 is denied. We will use this 5-0 vote for the remainder of  
10 today's Regular Open Meeting unless otherwise noted.

11 Items 3 and 4 can be taken together.

12 These are complaints against Ameren as to fees or  
13 billing/charges. In both cases, the parties have  
14 apparently settled their differences and have brought  
15 Joint Motions to Dismiss, which the ALJs recommend we  
16 grant.

17 Is there any discussion?

18 (NO RESPONSE)

19 CHAIRMAN SCOTT: Any objections?

20 (NO RESPONSE)

21 CHAIRMAN SCOTT: Hearing none, the Joint Motions  
22 to Dismiss are granted.

23 Item 5 is Docket No. 12-0598. This is  
24 Ameren Transmission Company of Illinois' Petition for  
25 Certification of Public Convenience and Necessity,

1 pursuant to Section 8-406.1 of the Illinois Public  
2 Utilities Act, and an Order pursuant to Section 8-503  
3 of the Public Utilities Act, to Construct, Operate and  
4 Maintain a New High Voltage Electric Service Line and  
5 related facilities in a number of counties in Illinois.  
6 This item will be held for disposition at a future  
7 Commission proceeding.

8                   Items 6 and 7 can be taken together.  
9 And these items are petitions for the confidential  
10 and/or proprietary treatment of annual net metering  
11 reports. In both cases ALJ Yoder recommends entry of  
12 an Order granting the requested relief.

13                   Is there any discussion?

14                   (NO RESPONSE)

15                   CHAIRMAN SCOTT: Are there any objections?

16                   (NO RESPONSE)

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

19                   Item 8 is Docket No. 13-0345. This is  
20 Amped Up Sales' application for licensure as an agent,  
21 broker and consultant under Section 16-115C of the  
22 Public Utilities Act. ALJ Kimbrel recommends entry of  
23 an Order denying the certificate.

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 certificate is denied.

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

11 Is there any discussion?

12 (NO RESPONSE)

13 CHAIRMAN SCOTT: Are there any objections?

14 (NO RESPONSE)

15 CHAIRMAN SCOTT: Hearing none, the Orders are  
16 entered.

17 Item 12 is Docket No. 06-0470. This is  
18 Enbridge Energy Partners' application for a certificate  
19 in good standing. Enbridge filed a Motion to Reopen  
20 the docket to allow the Company to construct, operate,  
21 and maintain three pumping stations as additions to the  
22 pipeline. ALJ Hilliard recommends that the Commission  
23 grant the Motion to Reopen and enter an Order  
24 consistent with the Applicant's request.

25 Is there any discussion?

1 (NO RESPONSE)

2 CHAIRMAN SCOTT: Are there any objections?

3 (NO RESPONSE)

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

6 Item 13 is Docket No. 13-0101. This is  
7 2401 East 75th Street's complaint against Peoples Gas  
8 as to billing/charges. ALJ Riley recommends entry of  
9 an Order dismissing the Complaint.

10 Is there any discussion?

11 (NO RESPONSE)

12 CHAIRMAN SCOTT: Are there any objections?

13 (NO RESPONSE)

14 CHAIRMAN SCOTT: Hearing none, the Order is  
15 entered.

16 Item 14 is Docket No. 13-0398. This is  
17 Consumers Gas Company's application seeking authority  
18 to enter into a gas storage contract, pursuant to  
19 Section 7-101 of Public Utilities Act. The Company has  
20 filed a motion seeking an Interim Order to continue  
21 operating under the terms of its previously approved  
22 contract, pending the final resolution of this  
23 proceeding. ALJ Yoder recommends entry of an interim  
24 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 15 is Docket No. 13-0223. This is  
7 Sage Telecom's amended application for certificates of  
8 authority to provide telecommunications services  
9 pursuant to Sections 13-401, 13-404 and 13-405 of the  
10 Public Utilities Act. The final order unintentionally  
11 omitted language granting authority to provide local  
12 facilities-based telecommunications services, thus ALJ  
13 Benn recommends entry of an Amendatory Order granting  
14 this authority.

15 Is there any discussion?

16 (NO RESPONSE)

17 CHAIRMAN SCOTT: Are there any objections?

18 (NO RESPONSE)

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

21 Item 16 is Docket No. 13-0350. This is  
22 Gallatin River and Quest Communications' Joint Petition  
23 for approval of Traffic Exchange Agreement. ALJ Baker  
24 recommends entry of an Order approving the agreement.

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 17 is Docket 13-0395. This is  
7 Illinois Bell and Cricket Communications' joint  
8 petition for the approval of an amendment to an  
9 interconnection agreement. ALJ Jorgenson recommends  
10 entry of an Order approving the amendment.

11 Is there any discussion?

12 (NO RESPONSE)

13 CHAIRMAN SCOTT: Are there any objections?

14 (NO RESPONSE)

15 CHAIRMAN SCOTT: Hearing none, the Order is  
16 entered.

17 Item 18 is Docket No. 13-0441. This is  
18 the City of Countryside's petition for modification of  
19 its existing 9-1-1 emergency telephone number system.  
20 ALJ Haynes recommends entry of an Order of approving  
21 the petition.

22 Is there any discussion?

23 (NO RESPONSE)

24 CHAIRMAN SCOTT: Are there any objections?

25 (NO RESPONSE)

1                   CHAIRMAN SCOTT: Hearing none, the Order is  
2 entered.

3                   Item 19 is Docket No. 12-0603/12-0604  
4 consolidated. This is Apple Canyon and Lake Wildwood's  
5 proposed general rate increase for water service. ALJ  
6 Haynes recommends entry of an Order approving the rate  
7 increase. This item will be held for disposition at a  
8 future Commission meeting.

9                   Item 20 is Docket Nos. 12-0511 and  
10 12-0512 consolidated. This is North Shore and Peoples  
11 Gas' proposed general rate increase for gas  
12 distribution services. North shore and Peoples Gas,  
13 the Citizen's Utility Board, the City of Chicago, and  
14 the Attorney General's Office have filed Petitions for  
15 Rehearing on a number of issues. ALJs Dolan and Teague  
16 recommend that North Shore and People's Gas' request  
17 for rehearing on the subject of mathematical errors in  
18 the Final Order's figures relating to the Utilities'  
19 2012 and 2013 Net Operating Losses be granted.

20                   The ALJs also recommend that rehearing  
21 on the remaining utility issues and all other petitions  
22 be denied.

23                   Is there any discussion? Commissioner McCabe  
24 has a motion to make on this matter.

25                   COMMISSIONER MCCABE: I prefer granting the net

1 operating loss rehearing request of CUB/City and the AG as  
2 well Peoples North Shore request. Peoples request rehearing  
3 to address certain errors of the calculations of the net  
4 operating loss. We're going to allow that request. But we  
5 note that the NOL issue was not fully addressed by the  
6 parties given Peoples' change late in the process and how  
7 they plan to handle NOL. Peoples changed their position on  
8 two rebuttal to requests of the 2012 NOL. The parties  
9 should have a full opportunity present rebutting evidence.  
10 I vote that we grant a hearing request on that operating  
11 loss for Cub/City, AG as well as Peoples North Shore.

12 CHAIRMAN SCOTT: Does your motion also include a  
13 denial of the other issues that are in the petition?

14 COMMISSIONER MCCABE: (Shaking head).

15 CHAIRMAN SCOTT: So it has been moved to grant on  
16 the issues raised by all the parties with respect to  
17 operating losses and to deny on the other remaining issues.  
18 Is there a second on that motion?

19 ACTING COMMISSIONER DEL VALLE: Second.

20 CHAIRMAN SCOTT: Any discussion on the motion?

21 (NO RESPONSE)

22 CHAIRMAN SCOTT: All those in favor say "AYE".

23 (A CHORUS OF AYES)

24 CHAIRMAN SCOTT: Any opposed?

25 (NO RESPONSE)

1                   CHAIRMAN SCOTT: The ayes have it. The motion is  
2 granted and the rehearing is granted on the items listed in  
3 Commissioner McCabe's motion.

4                   Is there any other further business to  
5 come before the Commission today?

6                   COMMISSIONER COLGAN: No, that is all.  
7 Mr. Chairman.

8                   CHAIRMAN SCOTT: We have Susan Stelmasek who has  
9 just joined the staff as one of my advisors, and she comes  
10 to us most recently from the Clean Energy Trust here in the  
11 city and I know she is going to do a wonderful job for us.  
12 Glad to have her on board. Thank you.

13                   If there is no further business to come  
14 before the Commission today, this meeting stands  
15 adjourned. Thank you, everyone.

16                   (WHEREUPON the meeting was adjourned at 10:45  
17 a.m.)

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