

1 BEFORE THE
2 ILLINOIS COMMERCE COMMISSION

3 BENCH SESSION
4 (PUBLIC UTILITY)

5
6
7 Springfield, Illinois

8 Wednesday, September 21, 2011

9
10 Met, pursuant to notice, at 10:30 a.m.

11 in Hearing Room A, First Floor, Leland Building, 527
12 East Capitol Avenue, Springfield, Illinois.

13 PRESENT:

14 MR. DOUGLAS P. SCOTT, Chairman
 Via Audiovisual Teleconference

15 MS. LULA M. FORD, Commissioner
16 Via Audiovisual Teleconference

17 MS. ERIN M. O'CONNELL-DIAZ, Commissioner
 Via Audiovisual Teleconference

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 the provisions of the Illinois Open Meetings Act, I now convene a regularly scheduled Bench Session of the Illinois Commerce Commission. With me in Chicago are Commissioners Ford and O'Connell-Diaz. With us in Springfield are Commissioner Elliott and Acting Commission Colgan. 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

1 transcript.)

2 CHAIRMAN SCOTT: Moving on to the Public
3 Utility agenda, we will start with approval of the
4 minutes from prior Commission sessions. Up first are
5 minutes from our August 23 Regular Open Meeting. I
6 understand amendments have been forwarded. Is there
7 a motion to amend the minutes?

8 COMMISSIONER ELLIOTT: So moved.

9 CHAIRMAN SCOTT: Is there a second?

10 COMMISSIONER O'CONNELL-DIAZ: Second.

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

12 All in favor say aye.

13 COMMISSIONERS: Aye.

14 CHAIRMAN SCOTT: Any opposed?

15 (No response.)

16 The vote is five to nothing, and the
17 amendments to the August 23 minutes are adopted.

18 Is there a motion to approve the
19 minutes as amended?

20 ACTING COMMISSIONER COLGAN: So moved.

21 CHAIRMAN SCOTT: Is there a second?

22 COMMISSIONER O'CONNELL-DIAZ: Second.

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

2 All in favor say aye.

3 COMMISSIONERS: Aye.

4 CHAIRMAN SCOTT: Any opposed?

5 (No response.)

6 The vote is five to nothing, and the
7 August 23 Regular Open Meeting minutes as amended are
8 approved.

9 Next up are minutes from our August 23
10 PED Initiative Policy Committee meeting. I
11 understand amendments have been forwarded. Is there
12 a motion to amend the minutes?

13 COMMISSIONER ELLIOTT: So moved.

14 CHAIRMAN SCOTT: Is there a second?

15 COMMISSIONER FORD: Second.

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

17 All in favor say aye.

18 COMMISSIONERS: Aye.

19 CHAIRMAN SCOTT: Any opposed?

20 (No response.)

21 The vote is five to nothing, and the
22 amendments to the PED meeting minutes are adopted.

1 Is there a motion to approve the
2 minutes as amended?

3 COMMISSIONER ELLIOTT: So moved.

4 CHAIRMAN SCOTT: Is there a second?

5 COMMISSIONER O'CONNELL-DIAZ: Second.

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

7 All in favor say aye.

8 COMMISSIONERS: Aye.

9 CHAIRMAN SCOTT: Any opposed?

10 (No response.)

11 The vote is five to nothing, and the
12 August 23 PED Initiative Policy Committee meeting
13 minutes as amended are approved.

14 We will turn now to the Electric
15 portion of today's agenda. Item E-1 (11-0646)
16 concerns beginning an annual reconciliation
17 proceeding for ComEd's Rider EDA for its energy
18 efficiency and demand response program. Staff
19 recommends entry of an Order commencing the
20 proceeding.

21 Is there a motion to enter the Order?

22 COMMISSIONER O'CONNELL-DIAZ: So moved.

1 CHAIRMAN SCOTT: Is there a second?

2 ACTING COMMISSIONER COLGAN: Second.

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

4 All in favor say aye.

5 COMMISSIONERS: Aye.

6 CHAIRMAN SCOTT: Any opposed?

7 (No response.)

8 The vote is five to nothing, and the
9 the Order is entered.

10 We will use this five to nothing vote
11 for the remainder of the Public Utility agenda,
12 unless otherwise noted.

13 Item E-2 is Docket Number 09-0535.

14 This concerns a reconciliation proceeding concerning
15 revenues collected under Ameren's Rider EDR and GER
16 for its energy efficiency programs. ALJ Jones
17 recommends entry of an Order approving the
18 reconciliation as adjusted by Staff.

19 Is there any discussion?

20 (No response.)

21 Any objections?

22 (No response.)

1 Hearing none, the Order is entered.

2 Items E-3 and E-4 (10-0411, 10-0707)

3 can be taken together. These items each concern

4 customer complaints against ComEd, and in each case

5 ALJ Benn recommends entry of an Order dismissing the

6 matter without prejudice for want of prosecution.

7 Is there any discussion?

8 (No response.)

9 Any objections?

10 (No response.)

11 Hearing none, the Orders are entered,

12 and the matters are dismissed.

13 Item E-5 is Docket Number 11-0496.

14 This is Richard Maanum's complaint against ComEd.

15 The parties have apparently settled their differences

16 and have brought a Joint Motion to Dismiss which ALJ

17 Haynes recommends that we grant.

18 Is there any discussion?

19 (No response.)

20 Any objections?

21 (No response.)

22 Hearing none, the Joint Motion to

1 Dismiss is granted.

2 Items E-6 and E-7 (11-0456, 11-0590)
3 can be taken together. These items are H.P.
4 Technologies' and NU-Day Energy's applications for
5 licensure as an Agent, Broker and Consultant under
6 Section 16-115C of the Public Utilities Act. In each
7 case the ALJ recommends entry of an Order granting
8 the requested certificate.

9 Is there any discussion?

10 (No response.)

11 Any objections?

12 (No response.)

13 Hearing none, the Orders are entered,
14 and the Certificates are granted.

15 Items E-8 through E-10 (11-0527,
16 11-0531, 11-0574) can be taken together. These items
17 are petitions for certification as an Alternative
18 Retail Electric Supplier, and in each case the ALJ
19 recommends entry of an Order granting the
20 certificate.

21 Is there any discussion?

22 (No response.)

1 Any objections?

2 (No response.)

3 Hearing none, the Orders are entered,
4 and the certificates are granted.

5 Turning now to Natural Gas, Item G-1
6 is Docket Number 10-0486. This is Bernard
7 Adjirackor's customer complaint against Nicor. ALJ
8 Benn recommends entry of an Order dismissing the
9 proceeding without prejudice for want of prosecution.

10 Is there any discussion?

11 (No response.)

12 Any objections?

13 (No response.)

14 Hearing none, the Order is entered,
15 and the matter is dismissed.

16 Item G-2 is Docket Number 11-0252.
17 This item concerns a waiver that Nicor is seeking to
18 permit the installation and use of a non-metallic
19 composite reinforced thermal plastic pipe for
20 rehabilitation of pipeline segments near Ottawa,
21 Illinois.

22 COMMISSIONER O'CONNELL-DIAZ: Say that again.

1 CHAIRMAN SCOTT: No. I didn't get it right the
2 first time so I am not going to try it again.

3 Before us today is a motion by Staff
4 seeking an extension of time for the Pipeline and
5 Hazardous Materials Safety Administration to file any
6 objections it might have to the waiver. ALJ Kimbrel
7 recommends granting the motion.

8 Is there any discussion?

9 (No response.)

10 Any objections?

11 (No response.)

12 Hearing none, the extension of time
13 for PHMSA's filing is granted.

14 Moving now to Telecommunications,
15 Items T-1 through T-4 (11-0070, 11-0365, 11-0405,
16 11-0406) can be taken together. These items each
17 concern petitions for the cancellation of
18 Certificates of Service Authority, and in each case
19 ALJ Baker recommends entry of an Amendatory Order
20 meant to be specific as to the original certificate
21 actually issued.

22 Is there any discussion?

1 (No response.)

2 Any objections?

3 (No response.)

4 Hearing none, the Amendatory Orders
5 are entered.

6 Item T-5 is Docket Number 11-0500.

7 This is Netrino's application for a Certificate of
8 Local Exchange Carrier and Interexchange Carrier
9 Authority to operate as a reseller and/or
10 facilities-based carrier of telecommunication
11 services throughout Illinois. ALJ Teague recommends
12 entry of an Order granting the requested certificates
13 and associated relief.

14 Is there any discussion?

15 (No response.)

16 Any objections?

17 (No response.)

18 Hearing none, the Order is entered.

19 Item T-6 is Docket Number 11-0556.

20 This is Simple Mobile's application for a Certificate
21 of Wireless Authority to operate as a reseller of
22 telecommunication services in Illinois. ALJ Riley

1 recommends entry of an Order granting the requested
2 certificate.

3 Is there any discussion?

4 (No response.)

5 Any objections?

6 (No response.)

7 Hearing none, the Order is entered.

8 Item T-7 is Docket Number 11-0506.

9 This item is a Joint Petition by Illinois Bell and
10 Big River seeking approval of a Negotiated
11 Interconnection Agreement dated June 28, 2011. ALJ
12 Baker recommends entry of an Order approving the
13 agreement.

14 Is there any discussion?

15 (No response.)

16 Any objections?

17 (No response.)

18 Hearing none, the Order is entered.

19 Items T-8 and T-9 (11-0043, 11-0044)

20 can be taken together. These items are Petitions for
21 Confidential Treatment of Petitioners' 2010 Annual
22 Reports. In each case the parties have now brought a

1 Motion to Withdraw their petition which ALJ Jones
2 recommends that we grant.

3 Is there any discussion?

4 (No response.)

5 Any objections?

6 (No response.)

7 Hearing none, the Motions to Withdraw
8 are granted.

9 Item T-10 is Docket Number 11-0619.

10 This is a petition by Citizens Utility Board seeking
11 approval of the content of CUB Enclosures 11-1 and
12 11-2. ALJ Wallace recommends entry of an Order
13 approving the content of the enclosures.

14 Is there any discussion?

15 COMMISSIONER O'CONNELL-DIAZ: Chairman, if I
16 might, Judge Wallace, I noticed that we had this on
17 our Bench today and I am just curious. It was filed
18 on the 7th of September and the deadline is the 21st
19 of September?

20 JUDGE WALLACE: Yes, yeah. That should add up
21 to about 15 days.

22 COMMISSIONER O'CONNELL-DIAZ: Wow, that's

1 pretty quick.

2 JUDGE WALLACE: Yeah, it is a 15-day turnaround
3 for the CUB Enclosures.

4 CHAIRMAN SCOTT: Is that statutory?

5 JUDGE WALLACE: Yes.

6 COMMISSIONER O'CONNELL-DIAZ: That's not very
7 much time. Thank you.

8 JUDGE WALLACE: No, it is not.

9 CHAIRMAN SCOTT: Thank you. Is there further
10 discussion?

11 (No response.)

12 Any objections?

13 (No response.)

14 Hearing none, the Order is entered.

15 Lastly, moving on to Water and Sewer,
16 Item W-1 is Docket Number 10-0386. This is an
17 application by Illinois-American Water Company
18 seeking a certificate for authorization to extend
19 water service to an area to be developed to become an
20 industrial park area in St. Clair County. ALJ Jones
21 recommends entry of an Order granting the requested
22 certificate.

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Is there any discussion?

(No response.)

Any objections?

(No response.)

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

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

JUDGE WALLACE: Nothing further, Mr. Chairman.

CHAIRMAN SCOTT: Thank you, sir. Hearing none,
this matter stands adjourned.

MEETING ADJOURNED