

1 PROCEEDINGS

2 ACTING CHAIRMAN FLORES: Pursuant to the
3 provisions of the Illinois Open Meetings Act, I now
4 convene a regularly scheduled Bench Session of the
5 Illinois Commerce Commission. With me in Springfield
6 are Commissioners O'Connell-Diaz, Elliott and Acting
7 Commissioner Colgan. I am Acting Chairman Flores.
8 We have a quorum.

9 I believe Commissioner Ford is
10 available by phone in Chicago. Is that you,
11 Commissioner?

12 COMMISSIONER FORD: Yes, it is.

13 ACTING CHAIRMAN FLORES: Good morning. How are
14 you?

15 COMMISSIONER FORD: Very well, thank you.

16 ACTING CHAIRMAN FLORES: Very well. Under
17 Commission rules we must vote to allow Commissioner
18 Ford to participate by phone. I would like to make a
19 motion to allow Commissioner Ford to participate by
20 phone. Is there a second?

21 COMMISSIONER ELLIOT: Second.

22 ACTING CHAIRMAN FLORES: It's been moved and

1 seconded. All in favor say aye.

2 COMMISSIONERS: Aye.

3 ACTING CHAIRMAN FLORES: The vote is 4-0 to
4 allow Commissioner Ford to participate by phone.

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

14 (The Transportation
15 portion of the proceedings
16 was held at this time and
17 is contained in a separate
18 transcript.)

19 ACTING CHAIRMAN FLORES: Turning now to the
20 Public Utility Agenda, we will start with the
21 approval of minutes from the August 30 Special Open
22 Meeting. I understand that amendments have been

1 forwarded. Is there a motion to amend the minutes?

2 COMMISSIONER ELLIOTT: So move.

3 ACTING CHAIRMAN FLORES: I will second it.

4 It's been moved and seconded. All in favor say aye.

5 COMMISSIONERS: Aye.

6 ACTING CHAIRMAN FLORES: Any opposed?

7 (No response.)

8 ACTING CHAIRMAN FLORES: The vote is 5-0

9 amending the minutes.

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

12 COMMISSIONER O'CONNELL-DIAZ:: So move.

13 ACTING CHAIRMAN FLORES: Very well. I will
14 second it. It's been moved and seconded. All in
15 favor say aye.

16 COMMISSIONERS: Aye.

17 ACTING CHAIRMAN FLORES: Any opposed?

18 (No response.)

19 ACTING CHAIRMAN FLORES: The vote is 5-0
20 approving the minutes for August 30 as amended.

21 We will begin with the Electric
22 Agenda. Items E-1 through E-6 may be taken together.

1 These items concern tariffs filed by the Ameren
2 Illinois Electric Utilities concerning updates to the
3 standard bill forms and adding a general statement to
4 their electric service schedules. In each case Staff
5 recommends that the Commission allow the proposal by
6 not suspending the filing. Is there a motion to not
7 suspend the filings?

8 COMMISSIONER ELLIOTT: So move.

9 ACTING CHAIRMAN FLORES: Is there a second?

10 COMMISSIONER O'CONNELL-DIAZ:: Second.

11 ACTING CHAIRMAN FLORES: It's been moved and
12 seconded. All in favor say aye.

13 COMMISSIONERS: Aye.

14 ACTING CHAIRMAN FLORES: Any opposed?

15 (No response.)

16 ACTING CHAIRMAN FLORES: The vote is 5-0 and
17 these filings will not be suspended.

18 We will use the 5-0 vote for the
19 remainder of the Public Utility Agenda unless
20 otherwise noted.

21 Item E-7 concerns tariffs filed by Mt.
22 Carmel Public Utility Company over the

1 reestablishment of its Net Metering Service. Staff
2 recommends that the Commission allow the proposal by
3 not suspending the filing. Is there any discussion?

4 (No response.)

5 ACTING CHAIRMAN FLORES: Any objections?

6 (No response.)

7 ACTING CHAIRMAN FLORES: Hearing none, the
8 filing will not be suspended.

9 Item E-8 is Docket Number 09-0439.

10 This concerns Gregg Sanders' complaint as to billing
11 and charges against AmerenIP. Administrative Law
12 Judge Tapia recommends entry of an Order denying Mr.
13 Sanders' complaint based on the evidence presented at
14 hearing in this case. Is there any discussion?

15 (No response.)

16 ACTING CHAIRMAN FLORES: Any objections?

17 (No response.)

18 ACTING CHAIRMAN FLORES: Hearing none, the
19 Order is entered and the complaint is denied.

20 Item E-9 is Docket Number 10-0053.

21 This item concerns the reconciliation of revenues
22 collected under hazardous materials adjustment clause

1 rider - AmerenIP. Staff and AmerenIP are in
2 agreement on the Draft Order's language, and
3 Administrative Law Judge Albers recommends entry of
4 an Order approving the reconciliation. Is there any
5 discussion?

6 (No response.)

7 ACTING CHAIRMAN FLORES: Any objections?

8 (No response.)

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

11 Item E-10 is Docket Number 10-0458.
12 This concerns a complaint by Jewel Turner against
13 ComEd regarding meter readings and improper billing.
14 The parties have apparently resolved the matter and
15 have brought a Joint Motion to Dismiss which
16 Administrative Law Judge Kimbrell recommends that we
17 enter. Is there any discussion?

18 (No response.)

19 ACTING CHAIRMAN FLORES: Any objections?

20 (No response.)

21 ACTING CHAIRMAN FLORES: Hearing none, the
22 Motion to Dismiss is granted.

1 Item E-11 is Docket Number 10-0482.
2 This is E Source Companies' Application for Licensure
3 as an Agent, Broker and Consultant under Section
4 16-115C of the Public Utilities Act. Administrative
5 Law Judge Yoder recommends entry of an Order granting
6 the requested Certificate of Service Authority. Is
7 there any discussion?

8 (No response.)

9 ACTING CHAIRMAN FLORES: Any objections?

10 (No response.)

11 ACTING CHAIRMAN FLORES: Hearing none, the
12 Order is entered and the Certificate is granted.

13 Items E-12 and E-13 (10-0525, 10-0528)
14 can be taken together. These concern petitions by
15 Integritys Energy Services and Champion Energy to
16 protect against disclosure of confidential and/or
17 proprietary information. In each case Administrative
18 Law Judge Albers recommends entry of an Order
19 exempting information from disclosure for a period of
20 two years. Is there any discussion?

21 (No response.)

22 ACTING CHAIRMAN FLORES: Any objections?

1 (No response.)

2 ACTING CHAIRMAN FLORES: Hearing none, the
3 Orders are entered.

4 Turning to the Gas Agenda, Items G-1
5 through G-6 may be taken together. These items
6 concern tariffs filed by the Ameren Illinois Gas
7 Utilities concerning updates to their standard bill
8 forms and adding a general statement to their gas
9 service schedules. In each case Staff recommends the
10 Commission allow the proposal by not suspending the
11 filing. Is there any discussion?

12 (No response.)

13 ACTING CHAIRMAN FLORES: Any objections?

14 (No response.)

15 ACTING CHAIRMAN FLORES: Hearing none, the
16 filings will not be suspended.

17 Item G-7 is Docket Number 09-0562.
18 This concerns a complaint by Cheryl DeFrancisco
19 regarding billing and charges against North Shore Gas
20 Company. The parties have apparently settled their
21 differences and brought a Joint Motion to Dismiss
22 which Administrative Law Judge Hilliard recommends

1 that we grant. Is there any discussion?

2 (No response.)

3 ACTING CHAIRMAN FLORES: Any objections?

4 (No response.)

5 ACTING CHAIRMAN FLORES: Hearing none, the
6 Joint Motion to Dismiss is granted.

7 Item G-8 is Docket Number 10-0440.
8 This concerns a complaint by Byron Washington
9 regarding billing and charges against Peoples Gas.
10 The parties have apparently settled their differences
11 and brought a Joint Motion to Dismiss which
12 Administrative Law Judge Benn recommends that we
13 grant. Is there any discussion?

14 (No response.)

15 ACTING CHAIRMAN FLORES: Any objections?

16 (No response.)

17 ACTING CHAIRMAN FLORES: Hearing none, the
18 Joint Motion to Dismiss is granted.

19 Item G-9 is Docket Number 10-0522.

20 This item concerns an Informational Statement filed
21 by Peoples Gas pursuant to Section 6-102(d) of the
22 Public Utilities Act in connection with the proposed

1 issuance and sale of up to \$50 million of bonds or
2 notes to finance current debt. Administrative Law
3 Judge Hilliard recommends the Commission enter an
4 Order approving the requested issuance and sale. Is
5 there any discussion?

6 (No response.)

7 ACTING CHAIRMAN FLORES: Any objections?

8 (No response.)

9 ACTING CHAIRMAN FLORES: Hearing none, the
10 Order is entered and the requested issuance and sale
11 is approved.

12 Moving on now to the
13 Telecommunications part of the agenda. Item T-1 is
14 Docket Number 10-0121. This item concerns requests
15 for Certificates of Service and Interexchange
16 Authority for Madison River Long Distance Solutions,
17 LLC, doing business as CenturyLink LDS, requests to
18 cancel the same certificates granted to Madison River
19 Long Distance Solutions Incorporated doing business
20 as Gallatin River Long Distance Solutions
21 Incorporated and a request to recognize the de facto
22 conversion from Gallatin to CenturyLink.

1 Administrative Law Judge Riley recommends that the
2 Commission enter an Order granting the requested
3 relief. Is there any discussion?

4 (No response.)

5 ACTING CHAIRMAN FLORES: Any objections?

6 (No response.)

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

9 Item T-2 is Docket Number 10-0207.

10 This item concerns Bellerud Communications'
11 application for a Certificate of Local and
12 Interexchange Authority to operate as a resale and
13 facilities-based carrier of telecommunication
14 services in Illinois. Administrative Law Judge Benn
15 recommends that the Commission enter an Order
16 granting the requested authority. Is there any
17 discussion?

18 (No response.)

19 ACTING CHAIRMAN FLORES: Any objections?

20 (No response.)

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

1 there any discussion?

2 (No response.)

3 ACTING CHAIRMAN FLORES: Any objections?

4 (No response.)

5 ACTING CHAIRMAN FLORES: Hearing none, the
6 Orders are entered.

7 Items T-17 and T-18 (09-0313, 09-0314)
8 can also be taken together. These items concern
9 investigations by the Commission into whether
10 intrastate access charges charged by Bullseye Telecom
11 and Clearwave Communications are just and reasonable.
12 In each docket Administrative Law Judge Benn
13 recommends that the investigation be dismissed as
14 statutorily moot. Is there any discussion?

15 (No response.)

16 ACTING CHAIRMAN FLORES: Any objections?

17 (No response.)

18 ACTING CHAIRMAN FLORES: Hearing none, the
19 dockets are dismissed.

20 T-19 is Docket Number 09-0382. This
21 docket concerns revisions to Part 732 of Title 83 of
22 the Illinois Administrative Code. Before us today is

1 an Order authorizing submission of the Proposed
2 Amendment to the Joint Committee on Administrative
3 Rules, and Administrative Law Judge Benn recommends
4 that we enter the Order. Is there any discussion?

5 (No response.)

6 ACTING CHAIRMAN FLORES: Any objections?

7 (No response.)

8 ACTING CHAIRMAN FLORES: Hearing none, the
9 Order is entered.

10 T-20 is Docket Number 10-0279. This
11 item concerns a citation proceeding initiated against
12 Midwestern Telecommunications Incorporated. Before
13 us today is an Amendatory Order correcting the
14 Respondent's name, and Administrative Law Judge Riley
15 recommends that we enter the Amendatory Order. Is
16 there any discussion?

17 (No response.)

18 ACTING CHAIRMAN FLORES: Any objections?

19 (No response.)

20 ACTING CHAIRMAN FLORES: Hearing none, the
21 Amendatory Order is entered.

22 Moving on now to the Water and Sewer

1 portion of today's agenda, Item W-1 concerns a
2 proposed rate increase brought by Woodlawn Utilities
3 Corporation. Staff recommends that the Commission
4 allow the Company's proposal by not suspending the
5 filing and not holding a public forum. Is there any
6 discussion?

7 (No response.)

8 ACTING CHAIRMAN FLORES: Any objections?

9 (No response.)

10 ACTING CHAIRMAN FLORES: Hearing none, the
11 filing will not be suspended.

12 Item W-2 is Docket Number 10-0094.
13 This concerns a complaint brought by Kregg Sanders as
14 to billing and charges against Aqua Illinois. The
15 Respondent has filed a Motion to Dismiss in this
16 case, indicating that the matter is now resolved, and
17 Administrative Law Judge Tapia recommends that the
18 Commission grant this motion. Is there any
19 discussion?

20 (No response.)

21 ACTING CHAIRMAN FLORES: Any objections?

22 (No response.)

1 ACTING CHAIRMAN FLORES: Hearing none, the
2 Motion to Dismiss is granted.

3 Item W-3 is Docket Number 10-0360.
4 This concerns a petition by Illinois-American Water
5 Company for a variance from Part 600.370 of the
6 Commission's Rules and from the Company's tariff in
7 order to connect a customer to the Company's water
8 service using a neighbor's land. Administrative Law
9 Judge Jones recommends that the Commission enter an
10 Order granting the requested variance. Is there any
11 discussion?

12 (No response.)

13 ACTING CHAIRMAN FLORES: Any objections?

14 (No response.)

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

17 We have a couple of other matters to
18 address today. The first matter concerns a
19 consideration of Benchmarks for the ComEd and Ameren
20 20-year Renewable Energy Resource RFPs. Staff from
21 our energy policy group has briefed us via e-mail on
22 the Benchmarks and the methodology used in deciding

1 them. Given the very strong confidentiality concerns
2 surrounding that methodology and the Benchmark
3 numbers themselves, there are strict limits to what
4 we can discuss at today's meeting. But is there any
5 general discussion?

6 COMMISSIONER ELLIOTT: Mr. Chairman, I just
7 would like to note that I am going to vote no.
8 Consistent with my decision in the original
9 procurement with regard to the 20-year contracts, I
10 just feel very uncomfortable with going out that far.
11 There is a lot of uncertainty that I am just
12 uncomfortable with. I don't question the methodology
13 that was engaged in here to make these
14 determinations, but, again, consistent with my prior
15 decision I am going to vote no.

16 ACTING CHAIRMAN FLORES: Very well. Any
17 further discussion?

18 COMMISSIONER O'CONNELL-DIAZ:: I have a
19 question, and I don't know whether -- is Mary
20 Stephenson there? I don't want to tread into an area
21 that I shouldn't be asking a public question, but I
22 have a question with regard to the --

1 MS. STEPHENSON-SCHROEDER: Speaking.

2 COMMISSIONER O'CONNELL-DIAZ: Hi, Mary.

3 MS. STEPHENSON-SCHROEDER: I can't hear you,
4 Commissioner.

5 COMMISSIONER O'CONNELL-DIAZ: I am sorry. My
6 microphone wasn't on.

7 I have a question that I want to make
8 sure that I don't get into an area that I shouldn't.
9 But included in some of the information that we have
10 is reference to the Commission's Order in 93-0373
11 with regard to the Commission's authority, and can I
12 talk about that? Can I ask a question about that to
13 Staff?

14 COMMISSIONER FORD: Mary is coming up with John
15 Feeley.

16 MR. ZURASKI: This is Richard Zuraski.

17 COMMISSIONER O'CONNELL-DIAZ: We have Richard
18 Zuraski here.

19 MR. ZURASKI: I don't know if I can -- I don't
20 think I can necessarily answer your question,
21 depending on what it is, but --

22 COMMISSIONER O'CONNELL-DIAZ: Wait. Let me

1 hear from -- John, can I ask this question?

2 MR. FEELEY: Generally speaking what is the
3 question?

4 COMMISSIONER O'CONNELL-DIAZ: My question is
5 with regard to the IPA's interpretation of our Order
6 in 93-0373 with regard to Commission authority. And
7 can I ask a question of Richard or --

8 MR. FEELEY: So you are not going into the
9 Benchmark numbers, right?

10 COMMISSIONER O'CONNELL-DIAZ: Not at all. This
11 is a question about Commission authority and the
12 seating of Commission authority or an interpretation
13 that we will be bound with for the next, it appears,
14 20 years based upon IPA's interpretation of the
15 Commission's Order. So, Richard, it is in your
16 report. Can you expound about this?

17 MR. ZURASKI: Yes, I can and I can't because I
18 don't have the Commission's Order in front of me
19 where some of this was based on. But although it is
20 in my memorandum, I think I would probably feel more
21 comfortable deferring to Mr. Feeley who was certainly
22 part of that whole discussion that we had with the

1 IPA's attorney when we were coming to that
2 conclusion.

3 John, do you understand specifically
4 what is being asked here?

5 MR. FEELEY: I think it can be asked without --
6 it can be asked in public. So if Commissioner Diaz
7 wants to go ahead and ask her question.

8 COMMISSIONER O'CONNELL-DIAZ: I think Richard
9 just volleyed it over to you. Am I right?

10 MR. ZURASKI: Let me -- hang on just one
11 second.

12 COMMISSIONER O'CONNELL-DIAZ: It actually is on
13 page 1 of your report, paragraph 2, and it talks
14 about what --

15 MR. ZURASKI: The matters in particular were
16 the confidential 20-year forward price curve, the
17 budget to be made available for this particular RFP,
18 this 20-year RFP, and how we would integrate the new
19 solar photovoltaic preferences into this RFP. And
20 the statement that we made to the Commission was that
21 the IPA's interpretation of the Commission's Order in
22 that Docket 93-0373 was that there wasn't --

1 Commission approval was not required for the
2 decisions that were made on those three matters.

3 And having said that, John, do you
4 want to take it from there?

5 MR. FEELEY: Sure, I will try. I think as to
6 the budget, we didn't see anything specific in the
7 Act that required the Order to approve the budget. I
8 think that's Number 2. Let's see, Number 1, I think
9 your Order set out a process for doing those forward
10 price curves and they are just carrying that out. Is
11 there --

12 COMMISSIONER O'CONNELL-DIAZ: I guess the
13 language that I am looking at that gives me concern
14 is that, "According to the IPA's interpretation of
15 the Commission's Order, these additional matters do
16 not require Commission approval and Staff has
17 somewhat reluctantly agreed with this
18 interpretation." Do we have reason to be cautious
19 because we are doing this and we are going to be
20 stuck with it for 20 years? And if there is some
21 Commission authority -- I don't think it is up to the
22 IPA to determine what the Commission's authority is.

1 I think it is the Commission's Order, it is the
2 Commission's --

3 MR. FEELEY: And our advice to Richard and
4 Staff was that it was consistent with the Act. So we
5 agreed with the IPA's interpretation.

6 MR. ZURASKI: Let me throw in a couple cents
7 here.

8 COMMISSIONER O'CONNELL-DIAZ: I guess the
9 "reluctantly," I want to know why.

10 MR. ZURASKI: Well, personally my preference
11 and I believe others in the policy area, our
12 preference was that these things be brought to the
13 Commission for their approval because they seemed
14 like the type of policy decisions that the Commission
15 ought to be making.

16 The argument was made that,
17 specifically with respect to the first item, the
18 confidential 20-year forward price curve, that the
19 Commission's Order pretty much said we want the
20 procurement administrator and the Staff and the IPA
21 chairman-monitor to develop that. It didn't say
22 anything about "and then bring it back to us for

1 approval." So that was kind of that one.

2 Then we skip to the third one which
3 was the integration of the new solar photovoltaic
4 preferences. Up until this point, I really shouldn't
5 say up until this point, but the very first plans
6 ever brought to the Commission by the utilities under
7 the new IPA Act, they put forward in their testimony
8 a very precise description of how the preferences
9 that existed at that time in the Act should be made
10 operational, and the Commission made a decision on
11 that. I don't think it really says anywhere in the
12 Public Utilities Act that they had to do that and the
13 Commission had to be making that decision. But
14 that's what was done, and it kind of set a
15 precedence, in my mind anyway, that that's the type
16 of thing that the Commission should be making
17 decisions about.

18 This wasn't even on the radar scope,
19 though, when the IPA presented its Appendix K that
20 set forth this 20-year RFP. There was no discussion
21 about it. The Commission really didn't address this
22 whole thing about the new solar preferences. So I

1 think the main thing was because there was no --
2 there was some general language in there that said
3 there is a whole bunch of other issues that need to
4 be worked out, and the Commission had said -- I am
5 afraid I don't have the language in front of me so I
6 am speaking very off-the-cuff on this, but I believe
7 the Commission's language in the Order basically said
8 that these are things that should be worked out and
9 again it didn't say "and then brought back to the
10 Commission for approval."

11 COMMISSIONER O'CONNELL-DIAZ: But when you say
12 -- think about that logically. I mean, worked out
13 and it just stays in this little ball and we don't
14 ever look at it? I guess I --

15 MR. ZURASKI: Well, you are looking at it now.
16 And I suppose if you wanted to come to the decision
17 that you don't want to approve those, the decisions
18 that were made at the level of the IPA procurement
19 administrators, etcetera, I suppose it is your
20 prerogative to say something about it. I don't know
21 how much the IPA would then attempt to fight you on
22 that but -- you know, I am not sure how to advise you

1 other than to sort of go back to our original
2 statement or my original statement which was I would
3 have preferred it to have been brought to the
4 Commission for approval but we did kind of
5 reluctantly agree that it didn't look like the
6 Commission had really set forth the process where
7 they wanted this to come back for the Commission's
8 specific approval.

9 COMMISSIONER O'CONNELL-DIAZ: And Number 2?

10 MR. ZURASKI: That's, I think, a lot like the
11 Number 3. Historically, for each of the plans the
12 budget for the 20-year RFP has been in -- I am sorry,
13 the budgets for the Renewable Portfolio Standards
14 have been set forth in the IPA Act and approved by
15 the Commission -- the IPA Act -- the IPA's plans and
16 approved by the Commission in each of the procurement
17 plan dockets.

18 Now, this is a little bit different in
19 that this 20-year RFP and the budget for that is not
20 the budget that the Commission normally approves.
21 The Commission normally approves the statutory budget
22 for each year that the RFP is applied. There is a

1 set limit on how much can be spent. And the
2 Commission eventually will be setting that for each
3 of the 20 years in this process, and this isn't
4 taking away from that.

5 On the other hand, we are committing
6 in this procurement, this 20-year RFP, to spending a
7 certain amount of money, to taking some slice out of
8 whatever budget it is the Commission decides exists
9 for each of those 20 years. So it's a related
10 budget. It is certainly important with respect to
11 the thing that the Commission has ultimately been
12 approving every year. But it is a little bit
13 different. And, again, there was no discussion of
14 this issue at all in the Commission's Orders, as far
15 as I recall. So they were basically left perhaps
16 with the notion that they could have spent the whole
17 thing or the expected entirety of the budgets for the
18 20 years, but that's not what ultimately was decided
19 upon.

20 COMMISSIONER O'CONNELL-DIAZ: Thank you. You
21 have clarified it for me. I just was concerned that
22 the IPA was interpreting our Order in a way that

1 there were not many eyes on this, and you have
2 explained to me that that is not the case. So I
3 guess we have confidence because our Staff is looking
4 at this.

5 But I know the Commission authority is
6 sacrosanct. And when someone starts talking about,
7 well, you really don't have that, and I can recall
8 the discussion we had, I think, initially about this
9 and there was a smart comment that was made, and I
10 use that term not in like an intelligence nerve. So
11 that gave me some concerns. So thank you very much,
12 Mr. Zuraski; I am satisfied. I don't know if any
13 other Commissioner might have a follow-up.

14 ACTING CHAIRMAN FLORES: It is a point worth
15 underscoring. I understand this may not be the last
16 one that we deal with in moving forward. To the
17 extent that there may be a question of authority, I
18 think it is very important that the ICC, and in
19 particular through its Staff, assert its statutory
20 grant and also to do so consistent with the Order
21 that was originally entered and gave rise to this,
22 this matter. I want to thank Staff and thank

1 Mr. Zuraski for his explanation. And, again, just
2 moving forward it is important that obviously we
3 remain engaged in this process. So thank you.

4 Any other comments or questions? Very
5 well. I would like to make a motion to adopt the
6 Benchmarks. Is there a second?

7 ACTING COMMISSIONER COLGAN: Second.

8 ACTING CHAIRMAN FLORES: It's been moved and
9 seconded. All in favor say aye.

10 COMMISSIONERS: Aye.

11 ACTING CHAIRMAN FLORES: The vote is -- I just
12 heard a bunch of ayes.

13 COMMISSIONER ELLIOTT: Nay.

14 ACTING CHAIRMAN FLORES: So any opposed? I
15 just hear one nay. Let's do a roll call to make sure
16 we have the clarity of the record.

17 Commissioner Ford?

18 COMMISSIONER FORD: Aye.

19 ACTING CHAIRMAN FLORES: Commissioner
20 O'Connell-Diaz?

21 COMMISSIONER O'CONNELL-DIAZ: Aye.

22 ACTING CHAIRMAN FLORES: Commissioner Elliott?

1 COMMISSIONER ELLIOTT: No.

2 ACTING CHAIRMAN FLORES: Commissioner Colgan?

3 ACTING COMMISSIONER COLGAN: Aye.

4 ACTING CHAIRMAN FLORES: I, Chairman Flores,
5 votes aye. The vote is 4-0 and the 20-year Renewable
6 Resource RFP Benchmarks are approved.

7 The second matter concerns a Staff
8 report and briefing from Staff regarding the
9 quarterly report on alternative gas supplier Just
10 Energy.

11 Gentlemen, good morning. Could you
12 please identify yourselves for the record?

13 MR. NEHRT: Randy Nehrt, the Bureau Chief for
14 External Affairs.

15 MR. AGNEW: Jim Agnew, a Policy Analyst in the
16 Consumer Services Division.

17 ACTING CHAIRMAN FLORES: Thank you, gentlemen.

18 COMMISSIONER FORD: Peter, do you want to
19 identify yourself? Have you got any response?

20 MR. MUNTANER: Peter Muntaner, Director of
21 Utility Services.

22 COMMISSIONER FORD: Is the mic on so you can

1 hear him?

2 COMMISSIONER O'CONNELL-DIAZ: Yes, we can hear
3 him.

4 ACTING CHAIRMAN FLORES: Thank you very much.
5 Staff?

6 MR. NEHRT: Thank you. In the Docket 08-0175
7 the Commission ordered Just Energy to provide to the
8 Commission's Consumer Services Division reports
9 regarding their complaints, daily reports, monthly
10 reports and a quarterly cancellation report. Staff
11 has spent a considerable amount of time reviewing the
12 complaints in those reports and providing feedback to
13 the Company from our review and has provided the
14 Commission with a quarterly report regarding that
15 information pursuant to the Commission's directive in
16 the Order.

17 Some basic information from that is
18 that in the initial daily and monthly report, the
19 daily reports and monthly report that we received,
20 the complaint volume was much higher than anticipated
21 by either Staff or the Company. That complaint
22 volume dropped off considerably towards the end of,

1 middle or end, of May and through the month of June.
2 They actually dropped by more than 50 percent from
3 month to month.

4 Of the complaints that Staff reviewed,
5 more than 70 of the complaints revolved around issues
6 of billing, such as high bills, rates compared to
7 utilities, generally rate and billing issues. The
8 majority of the complaints that were reported to
9 Staff were complaints made directly from customers to
10 the Company. Only about three percent of the
11 complaints that were reported came from third-party
12 complaints to the Company such as the Consumer
13 Services Division, CUB, the Attorney General, Better
14 Business Bureau and the utilities.

15 Staff had some concerns about the
16 volume of complaints, the high volume of complaints.
17 It also had some concern about the very dramatic drop
18 in complaints from month to month. We did ask the
19 Company about that to get some feedback from them.
20 They did tell us that they had, after initially
21 providing a more liberal viewpoint on what a
22 complaint was, had started to retrain a little bit

1 their CSRs and reviewed closer the complaint
2 information and had eliminated from their complaint
3 reporting things that they determined to be merely
4 inquiries. Staff did ask to review those inquiries
5 and found a considerable number of those inquiries to
6 Staff, in Staff's opinion, that we thought were
7 complaints.

8 Staff believes after a thorough review
9 that the Company could do a better job in its
10 complaint taking process. We believe that the
11 Company could investigate the complaints a little
12 more thoroughly, especially complaints involving
13 surprise or unhappiness with high bills. We think
14 that the CSRs who are taking the complaints could ask
15 more questions of the customers that contact the
16 Company as to why they might be surprised by the high
17 bill or what they might have understood the product
18 to be at the time of the sale, to help them determine
19 if there is just a misunderstanding of the product
20 that could be helped through retraining or if it is
21 actually misrepresentation or maybe just the buyer's
22 remorse situation.

1 But we really do believe that while
2 the Company is resolving a lot of the complaints at
3 that level, either through a reselling of the product
4 or a re-education of what the product is or maybe
5 through a modification of the contract for a shorter
6 term or a lower rate, that they could also be
7 determining maybe what happened at the time of sale
8 and using that as a management tool to better oversee
9 the door to door sales that are going on.

10 The Company also provides to Staff per
11 the Commission Order a quarterly Cancellation Report.
12 In that Cancellation Report one thing that Staff
13 looked for very closely was to see if the Company
14 complied with the Commission's directive to forward
15 all cancellations to utilities within two business
16 days, and we found that there were -- of the nearly
17 5,000 cancellations sought by customers over the
18 months of May and June, that 31 were failed to be
19 properly transmitted to the utility within that
20 two-business day requirement.

21 We also did notice that there was a
22 very large disparity in the number of customers who

1 had contacted the Company to cancel in that two-month
2 time period as opposed to the number of complaints
3 reported to Staff, and that more than twice as many
4 customers called to cancel as -- more than twice as
5 many cancellations were reported to Staff in the same
6 time period as complaints reported to Staff. And it
7 is Staff's belief that with limited exception most
8 cancellation requests are made due to some level of
9 dissatisfaction with the product and, therefore,
10 likely most of those should be considered complaints.

11 I think with that I have covered, I
12 hope, a majority of what we have provided to the
13 Commission in our first quarterly report, and we
14 would entertain any questions you might have or any
15 feedback you might want to provide to us about the
16 content of that report.

17 ACTING CHAIRMAN FLORES: Questions from the
18 Commissioners?

19 COMMISSIONER ELLIOTT: With regard to the
20 complaints that are delivered from the Company to
21 you, do you have any -- what's the correlation to
22 those numbers with what makes it here to the ICC or

1 to CUB or the AG or the BBB? How many of these
2 enumerated inquiries, complaints, etcetera, are being
3 settled and what's the correlation between our
4 numbers and theirs?

5 MR. NEHRT: Of all the complaints reported to
6 Staff by the Company, 97 percent were direct
7 complaints to the Company. About three percent were
8 complaints that came to third parties such as the
9 Consumer Services Division, CUB, the Attorney
10 General, the utility and the Better Business Bureau.

11 COMMISSIONER ELLIOTT: So 97 percent of these
12 complaints are being resolved within the Company as
13 far as these numbers are telling you?

14 MR. NEHRT: Yeah, I think that resolved is
15 probably correct, Your Honor.

16 MR. AGNEW: In particular, Commissioner
17 Elliott, one of the trends that we have noted which
18 Randy was mentioning is that the customer service
19 representatives, while only perhaps scraping the
20 surface to find out what the original cause was...

21 COMMISSIONER ELLIOTT: Original retention
22 efforts, exactly.

1 MR. AGNEW: ..they will launch into some either
2 retention efforts or -- there is some benefit to a
3 "no questions asked, you can cancel" kind of policy.
4 However, in that "no questions asked" concept, you
5 are not getting any valuable information about what
6 caused them to cancel. So, you know, it is kind of a
7 two-edged thing there.

8 But in doing -- in taking those
9 measures, you are in my opinion more likely to reduce
10 third-party complaints. Because whether or not the
11 customer was happy when they called you, they are
12 leaving relatively satisfied or at least satisfied to
13 the degree that they are not going to escalate to a
14 third party.

15 COMMISSIONER ELLIOTT: It seems like it would
16 behoove the Company to pay close attention to what
17 those indicators are telling you, corporately.

18 MR. AGNEW: Absolutely.

19 COMMISSIONER ELLIOTT: I agree. Well, that's
20 basically the answer to my question. Thanks.

21 ACTING CHAIRMAN FLORES: Any additional
22 Commissioners have any questions or comments?

1 ACTING COMMISSIONER COLGAN: Well, I would like
2 to just say thank you to Staff for all the work you
3 are doing on this. I think you have uncovered
4 something here that there was some anticipation might
5 be there. But I don't know if any of us had
6 anticipated it to be as big a discovery as what we
7 have come up onto.

8 I have filed a dissenting opinion on
9 this case, and my opinion hasn't changed. I think
10 that the issue is in the door to door sales. I think
11 there is a lot of misrepresentation of the product
12 being sold and resulting in huge numbers of calls
13 once people get a bill and they start trying to
14 figure out what is it that they have actually signed
15 up for. So, like I say, my opinion hasn't changed.
16 I thought we should have modified their certificate
17 to prohibit door to door sales until we got to the
18 bottom of this and the audit was done and some
19 recommendations were made for managerial practices
20 and that those were implemented. But, you know, this
21 looks like it is just an ongoing serious, significant
22 problem.

1 I am concerned about the potential
2 impact this would have upon the development of a
3 competitive alternative gas supply market. A lot of
4 people out there are not happy with what it is they
5 are signing up for. So I don't know if other
6 Commissioners are interested, but I would be
7 interested in -- well, we can talk about that some
8 other time, but I would like to know what our options
9 are. I am not asking you to outline those, but it
10 occurs to me that there are some options that the
11 Commission would have available to it to try to drill
12 down on this a little bit more than we have, and
13 maybe we engage with the Office of General Counsel to
14 get some advice on that.

15 But it is not so much a question as it
16 is, you know, I look at the complaint report and I am
17 thinking somebody is doing a lot of work down in
18 Consumer Services, you know, just trying to keep up
19 with all of this. It is a lot, a lot of information,
20 coming through on this.

21 COMMISSIONER ELLIOTT: If I could respond, I
22 think that you have hit upon a concern that I have

1 and that's what this is doing to the marketplace. I
2 think that, you know, as we evolve into a more
3 competitive marketplace for commodity products, I
4 think there are going to be fits and starts. I mean,
5 there is going to be education on the consumer side
6 as well as on the business side. And if the
7 education the customer is receiving is, you know,
8 this is a bad deal and, you know, I have learned
9 something, I have cancelled my contract, I go back.
10 But, you know, once burned, twice shy; am I going to
11 now, the next person that comes along, the next
12 opportunity, am I going to seriously consider it or
13 am I just going shy away from it in its entirety. So
14 clearly that's a concern.

15 I think that -- I know that all of us
16 have made our comments known to the marketers and to
17 the purveyors of the commodity in the business to
18 police your own areas, and I hope that that continues
19 to go on because I don't want to see that type of
20 damage done to the competitive landscape. So I
21 agree. I would be more than happy to look into any
22 options that we can to improve that.

1 ACTING CHAIRMAN FLORES: Commissioner

2 O'Connell-Diaz, did you have --

3 COMMISSIONER O'CONNELL-DIAZ: Well, I just
4 would echo what Commissioner Elliott just said and
5 Commissioner Colgan. And Staff is really working
6 24/7 with regard to what we have asked in the Order
7 or to be delivered to us with regard to this, and it
8 is eye opening. I think that we now have developed a
9 record with regard to this Company's activities and
10 appropriate or inappropriate conduct, and as we move
11 along we have a record that you have been
12 instrumental in helping us be able to understand
13 what's going on. But just as Commissioner Elliott
14 stated and so did Commissioner Colgan, this is a
15 concern because right up on our website, we have the
16 ten commandments, if you will, of how we expect
17 companies to act in our jurisdiction.

18 So I look forward to further
19 developing this record and the work that you are
20 doing to give us the appropriate options, now that we
21 have this record on which we can act. So I think
22 there is another -- will we get another report

1 shortly? Is that --

2 MR. NEHRT: Right. The next quarterly report
3 actually would be for the months of July, August and
4 September. We get the monthly report on -- the
5 quarterly report on cancellations and the monthly
6 report on complaints about the 10th of the following
7 month. So I would say within a couple weeks after
8 that we would have a report to you.

9 COMMISSIONER O'CONNELL-DIAZ: I would look
10 forward to developing an option plan that the
11 Commissioners would look to, to deal with the
12 evidence that now Staff has brought to our doorstep,
13 and we will be able to figure out how we want to go
14 forward.

15 Thank you.

16 ACTING CHAIRMAN FLORES: Any other comments,
17 questions?

18 So I would just also reiterate, first
19 of all, by thanking Staff for their ongoing work and
20 their reporting to the Commission on this matter.
21 Obviously, you have heard the concerns expressed by
22 the Commissioners here about the material you have

1 reported on.

2 I want to ask one question, though.
3 Do you feel in the course of your gathering
4 information, are you getting all of the information
5 that you need from this Company and they have been
6 forthright in providing the requests -- in responding
7 to the requests and inquiries that you have made?

8 MR. NEHRT: I would say they have been fairly
9 cooperative in providing the reports that we have
10 asked for and that you have directed. There is some
11 additional information that we are going to -- I
12 think that we have requested and haven't received
13 yet, and we may be following up with a DR request
14 shortly to try to get that information.

15 COMMISSIONER O'CONNELL-DIAZ: I would suggest
16 you put them on a very short leash on that. Give
17 them a small turnaround time if you have already
18 asked for it in a nice way. And if they are not, you
19 do that motion to compel or whatever you need to do.

20 COMMISSIONER ELLIOTT: And certainly advise us
21 of that, if you are running into any issues.

22 MR. NEHRT: Okay.

1 ACTING CHAIRMAN FLORES: And that's why I asked
2 if this company was providing the material that you
3 are requesting. I think the Commission spoke very
4 clearly on this matter. Despite the fact that there
5 were different votes on this matter, everyone, every
6 one of these members on the Commission, expressed a
7 very deep concern about the kinds of practices and
8 the allegations that were raised. That's why we
9 ultimately, as you know, ordered this ongoing inquiry
10 and generation of reports and audits, to insure that
11 we really had a better perspective of what this
12 company -- the kind of business that this company is
13 engaged in.

14 I would also go with my colleagues'
15 request that we do not allow for this company to have
16 any extended period of time. I will remind everyone
17 here how much time has already been provided. When
18 we first began, even just in developing a time frame,
19 a reasonable time frame to meet the Order, enough
20 time has been granted. And so to the extent that you
21 believe that there is any kind of dragging of the
22 feet, you know, I would ask that we undertake every

1 effort to expedite your request. Because that is a
2 real minimum that this company should be meeting.

3 So I look forward to your ongoing work
4 and, again, we appreciate the reporting and the work
5 that you have been also engaged with, with the Staff,
6 the Commissioners' Staff. So that being said, I want
7 to thank you.

8 Any other comments or questions before
9 we -- okay. Thank you very much and obviously keep
10 us informed and let's not wait too long on this
11 company.

12 MR. NEHRT: Thank you.

13 ACTING CHAIRMAN FLORES: Thank you, Mr. Nehrt.

14 Very well. The final matter is an
15 administrative meeting concerning the Commission's --
16 excuse me, before we continue, I think I misspoke on
17 the matter prior to the report and that was on the
18 Renewable Energy Resource RFPs. I believe I
19 indicated that the vote was 4-0. It is 4-1. So if
20 the record could reflect that it is 4-1, and my
21 apologies to my good friend and colleague
22 Commissioner Elliott. I did not mean to miscount.

1 So if the record could please reflect that the vote
2 was 4-1 to approve the Benchmarks.

3 Very well. As I was indicating
4 before, the next matter is an administrative matter
5 concerning the Commission's 2011 schedule. We will
6 recess and reconvene in the video conference room in
7 10 or 15 minutes for today's administrative meeting.
8 Thank you.

9 (Whereupon the meeting was
10 adjourned until 11:40 a.m. in
11 the videoconference room.)

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ADMINISTRATIVE MEETING

ACTING CHAIRMAN FLORES: Let's begin the administrative meeting. I received the communication. All of you should have received the communication from our chief administrative law Judge, Judge Wallace, about the 2011 official Commission calendar. Does everyone have -- does everyone have a copy of the Commission calendar for 2011?

ACTING COMMISSIONER COLGAN: I have it on my desk.

COMMISSIONER FORD: I have it. I don't need it.

ACTING CHAIRMAN FLORES: Very well. Any questions? Comments?

Very well. Obviously, this is following standard protocol and, you know, there may be changes down the road. But to the extent that we can maintain the schedule, obviously, I think everyone would greatly appreciate that. And I would --

JUDGE WALLACE: I just want to comment that we

1 put the NARUC and MARC meetings in so you can see
2 them. They will come out of the calendar that we
3 publish.

4 ACTING CHAIRMAN FLORES: Very well.

5 JUDGE WALLACE: And we do publish the calendar
6 in advance to comply with the Open Meetings Act of
7 publishing our upcoming calendar.

8 COMMISSIONER ELLIOTT: Do we know, just off
9 hand, when the January MARC meeting is in San
10 Antonio?

11 COMMISSIONER O'CONNELL-DIAZ: You know, it is
12 different this year and I am thinking it is the
13 weekend of the --

14 COMMISSIONER ELLIOTT: The 14th, 15th?

15 COMMISSIONER O'CONNELL-DIAZ: Usually it was
16 the 8th, but I think it is going to be a week later.
17 I am going to check that. Did you?

18 JUDGE WALLACE: Well, I think it is the 13th
19 and 15th.

20 COMMISSIONER ELLIOTT: You just didn't put it
21 on the calendar.

22 JUDGE WALLACE: We just didn't put it on the

1 calendar. But I honestly don't know what all
2 meetings you go to. So I did list the two, the MARC
3 conferences, one in January and one in June, on the
4 memo, but did not put them on the calendar itself.

5 COMMISSIONER O'CONNELL-DIAZ: Just so everybody
6 knows, in February we have -- obviously, we have the
7 NARUC meetings in Washington, but on the 17th we will
8 be having the DOE/NARUC collaborative forum, and I
9 have been asked to co-chair it again. I don't know
10 why they asked me again, but I got the job. I guess
11 because I sit on the --

12 COMMISSIONER ELLIOTT: Is that the
13 infrastructure?

14 COMMISSIONER O'CONNELL-DIAZ: Yeah. And they
15 always have travel stipends, so it is a good
16 opportunity for us to be able to participate in a
17 really nationally renown conference. So just so
18 everyone has that on their schedules.

19 ACTING CHAIRMAN FLORES: That's the 17th?

20 COMMISSIONER O'CONNELL-DIAZ: Yeah, it follows
21 up the NARUC winter meetings. So just wanted to let
22 everybody know that so they could be aware and hope

1 you sign up.

2 ACTING CHAIRMAN FLORES: Thank you. Thank you,
3 Commissioner O'Connell-Diaz.

4 Any other?

5 JUDGE WALLACE: I have one other item. I
6 didn't put it on the agenda and it is agenda related.
7 Telecom wants to sort of reorganize the headings we
8 put on the agenda. Their functions are -- they are
9 not having quite as many things to do. So we will
10 put something together and I will bring that back to
11 you.

12 I am not even sure how all those
13 headings got started in the first place. Like for
14 electric and gas, it is just electric and gas.
15 Telecom we break it down into probably eight
16 different categories. If you would like for me to
17 continue with those categories, that's fine. If you
18 would like to compress them, I can also do that.

19 COMMISSIONER ELLIOTT: I would like to go to a
20 consent agenda.

21 COMMISSIONER O'CONNELL-DIAZ: I am just
22 thinking from the purposes of when the agenda is

1 made, many of those telecom items are kind of
2 crunched together, like the certificate cases, and it
3 gets us through it a lot quicker. So as you are
4 doing that revision, that would be a good guidepost,
5 to look at the types of cases based on previous
6 agendas, how we have gone through them like, you
7 know, T-1 through T-12 and we get rid of a slew.

8 JUDGE WALLACE: I think there will be a lot
9 less tariff matters so we might just combine all
10 those tariff headings into just like Tariff Heading.
11 And then the certificate cases, there have been a lot
12 less than the amendments or the negotiated
13 agreements. Those two headings we will probably
14 retain because they are -- but it is still up. I
15 will put something together and bring it back to you.

16 COMMISSIONER ELLIOTT: Is there anything that
17 prevents us from going to a consent agenda format?

18 JUDGE WALLACE: I would have to look into that.

19 COMMISSIONER O'CONNELL-DIAZ: What do you mean
20 by that?

21 COMMISSIONER ELLIOTT: Well, we take things
22 that no one has an objection to and it is just done

1 on a consent basis. Instead of reading all these
2 things out, it is just --

3 MR. ANDERSON: We used to do that in the
4 Legislature. We would call it an Agreed Bill.

5 COMMISSIONER ELLIOTT: Ohio does it. A lot of
6 commissions do it.

7 MR. ANDERSON: You put things on a list and
8 then you would say if anybody wanted to take
9 something off, they could take something off.

10 JUDGE WALLACE: There is nothing to prevent it.

11 MS. STEPHENSON-SCHROEDER: There is nothing to
12 prevent that. I know a lot of other commissions do
13 that.

14 COMMISSIONER ELLIOTT: Yeah, it would just
15 streamline the process. Instead of reading all of
16 the things that we have to do, just do a consent
17 agenda and work the whole thing out.

18 MR. ANDERSON: The way it has always worked
19 legislatively that I have noticed is even if you
20 wanted to take -- one person could take something off
21 of it.

22 COMMISSIONER ELLIOTT: Sure. If you want to

1 hold it or you want to discuss it or anything, it is
2 the same process.

3 ACTING CHAIRMAN FLORES: Just so long as, Mary,
4 as we can remove an item from that agenda at any
5 point.

6 COMMISSIONER ELLIOTT: I would say even up to
7 bench.

8 MS. STEPHENSON-SCHROEDER: Yeah, up until the
9 time you vote on it.

10 MR. ANDERSON: If one person isn't in consent,
11 it is not a consent any more anyway.

12 ACTING CHAIRMAN FLORES: I hear you, but I also
13 just want to make sure that everyone gets the
14 information in advance and that everyone has an
15 opportunity to vet each item. What I don't want to
16 happen is that something be flagged as part of the
17 consent and then something falls through, you know,
18 where a Commissioner may feel like they didn't have
19 an opportunity to really flag it because it was under
20 the consent. So even if you put something -- I don't
21 know what it will look like when I get the report.

22 JUDGE WALLACE: Well, the way you run the

1 meeting now is very, I mean, an ad hoc consent.

2 COMMISSIONER ELLIOTT: It is really.

3 JUDGE WALLACE: So, I mean, it is kind of --

4 ACTING CHAIRMAN FLORES: Right. But the point
5 I just want to make sure is that again that we really
6 appreciate the reports that we get from the Judges
7 and it gives us a perspective of what's going on with
8 the case. That will not change, correct?

9 COMMISSIONER ELLIOTT: Wouldn't have any impact
10 on it.

11 MR. ANDERSON: Nothing would change that you
12 wouldn't want to be changed. I mean, if you want to
13 hear from a Judge, even if you don't have any
14 discussion, if you want to hear from a Judge, it
15 wouldn't be on the consent calendar because you would
16 want to hear from the Judge.

17 JUDGE WALLACE: I don't know how to implement
18 it exactly because we put everything in a certain
19 form on the agenda. Then at some point if there is
20 no disagreement, we would have to pull that all off.

21 COMMISSIONER ELLIOTT: I think that would be
22 done in the C&C area.

1 MR. ANDERSON: I think this was brought up in
2 conjunction with the calendar. So, I mean, I think
3 that this would be for next year. You would need
4 some time.

5 COMMISSIONER FORD: Yes, next year, not now.

6 MR. ANDERSON: Some time to figure out the
7 details. I don't think we are talking about the next
8 meeting or anything.

9 COMMISSIONER ELLIOTT: No.

10 COMMISSIONER FORD: No.

11 COMMISSIONER O'CONNELL-DIAZ: No.

12 ACTING CHAIRMAN FLORES: I think the Judge's
13 point, though, is that I think he is trying to
14 explain that there may be some logistical issue that
15 we want to talk about so that there may be an
16 instance, for instance, where if we are going to
17 agree to be able to remove an item from the consent
18 calendar at any point and someone has a question, you
19 know, there has to be given some consideration to
20 Judge Wallace then and also to Mary and to Tim to
21 then be able to organize Staff, let's say, to be able
22 to respond to whatever question may arise at a very

1 last minute. The other issue may be what if there is
2 a request for a specific document.

3 So I am not recommending -- I am not
4 recommending that we oppose it. But what I am
5 suggesting is that let's give this at least a little
6 time then for consideration so that the logistical
7 aspects can kind of be fleshed out a little bit and
8 we can come back -- given that this is not going to
9 be implemented until next year anyway if we were to
10 move forward, why don't we agree that we will have a
11 follow-up administrative meeting or, you know, just a
12 memo, rather, from Staff, from Judge Wallace, from
13 Mary, in terms of some of these logistical questions
14 or issues that may arise if we were to agree to a
15 consent calendar format.

16 Does that sound reasonable?

17 ACTING COMMISSIONER COLGAN: Yes.

18 COMMISSIONER FORD: Yes.

19 MR. ANDERSON: I think that would have to
20 involve Mary and Mike and Steve and me to figure out
21 a proposal that you guys would need to then see.

22 COMMISSIONER ELLIOTT: Essentially, if it is

1 nothing contested, if there is 252 cases, you put it
2 on a consent agenda and if anybody has an objection
3 or a concern or a question, you pull it off.

4 MR. ANDERSON: Like you do holds now. You guys
5 hold stuff at the last minute every once in awhile.

6 COMMISSIONER O'CONNELL-DIAZ: I will tell you
7 how that happens. It happens because the weekend
8 before or the night before you are reading the thing
9 and you are like --

10 MR. ANDERSON: There can be any of a thousand
11 reasons why any of it would --

12 ACTING COMMISSIONER COLGAN: You would want to
13 have this like written down so that you could
14 communicate externally, too, with all the concerned
15 parties so they would know.

16 MR. ANDERSON: It would have to be written
17 down. It would still be on the agenda.

18 JUDGE WALLACE: Every Order has to be on the
19 agenda.

20 MR. ANDERSON: It would be there. You just
21 wouldn't have to read. And from an organizational
22 standpoint --

1 JUDGE WALLACE: I don't think our agenda is set
2 up very well.

3 MR. ANDERSON: From an organizational
4 standpoint it would be, from my perspective, easier.
5 The only thing you would have to scramble for is if
6 something got pulled off at the last minute and you
7 had to say where is he, can he come down, we weren't
8 expecting. People need to be ready to know their
9 stuff, anyway. I mean, that shouldn't be a problem.

10 COMMISSIONER O'CONNELL-DIAZ: You know what,
11 the bottom line is if your case is on the agenda, you
12 are supposed to be there. That's the rule.

13 ACTING COMMISSIONER COLGAN: If my bill is on
14 the agreed bill list, I am still going to show up
15 because they will pull it off there.

16 ACTING CHAIRMAN FLORES: So if we could just
17 then have a report from Staff just logistically how
18 it would work internally, just so that there are no
19 surprises to any of you and just so that we also
20 understand what the rules of engagement will be going
21 forward. And that will also give us an opportunity
22 for us to adopt this new system and, again, implement

1 it the way it should be implemented and also provide
2 our individual Staff members the, you know, again,
3 how to move forward.

4 COMMISSIONER ELLIOTT: Yeah, we might want to
5 do a couple meetings where we shadow, we sort of
6 transition, saying we are going to go to consent
7 agenda but for the first couple of meetings we are
8 going to continue to do the old thing and just to let
9 the people that hang around and watch this stuff or
10 listen to it understand what is happening.

11 ACTING COMMISSIONER COLGAN: You don't want
12 them all standing around shaking their head like
13 "what just happened, how did we get here."

14 COMMISSIONER O'CONNELL-DIAZ: They do that
15 already. We don't need to help them.

16 MR. ANDERSON: We will put a memo together, a
17 proposal memo, that outlines between the four of us
18 and probably maybe Gene would need to be involved,
19 too. I am not sure. But, anyway, when that's ready,
20 we will send it to you and then you guys can call the
21 admin meeting whenever you want to deal with it.

22 COMMISSIONER ELLIOTT: And nothing against

1 Sullivans but this may end up saving us some money,
2 too.

3 JUDGE WALLACE: Well, we are going to the Andy
4 Barrett approach, too.

5 COMMISSIONER O'CONNELL-DIAZ: Turn your chair
6 up.

7 ACTING CHAIRMAN FLORES: That being said,
8 anything else then on the calendar? Very good. I am
9 sorry?

10 COMMISSIONER FORD: I didn't say anything.

11 COMMISSIONER ELLIOTT: Commissioner Ford, are
12 you going to be around?

13 COMMISSIONER FORD: Yes.

14 COMMISSIONER ELLIOTT: Okay. I am going to
15 give you a call.

16 ACTING CHAIRMAN FLORES: So with that, Judge
17 Wallace, are there any other matters to come before
18 this Commission here today?

19 JUDGE WALLACE: As long as we are okay to go
20 ahead and put this out.

21 ACTING CHAIRMAN FLORES: We are ready to do it,
22 okay. So I think you have unanimous support for

1 that. Hearing none, this meeting stands adjourned.

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MEETING ADJOURNED

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