

1                                   BEFORE THE  
2                                   ILLINOIS COMMERCE COMMISSION  
3                                   PUBLIC UTILITIES REGULAR OPEN MEETING  
4                                   Thursday, April 15, 2021  
5                                   Chicago, Illinois

6  
7                                   Met pursuant to notice via videoconference  
8                                   at 11:30 a.m. at 160 North LaSalle Street, Chicago,  
9                                   Illinois.

10  
11                                   CARRIE ZALEWSKI, Chairwoman  
12                                   (via Chicago Office)

13                                   D. ETHAN KIMBREL, Commissioner  
14                                   (via Chicago Office)

15                                   MARIA S. BOCANEGRA, Commissioner  
16                                   (via videoconference)

17                                   MICHAEL T. CARRIGAN, Commissioner  
18                                   (via Chicago Office)

19  
20  
21                                   BRIDGES COURT REPORTING  
22                                   BY: Stephen Mortensen,  
                                  Notary Public

1 CHAIRWOMAN ZALEWSKI: Under the Open  
2 Meetings Act and in accordance with the Governor's  
3 Executive Orders, I call the April 15, 2021,  
4 Regular Open Meeting to order.

5 Before we proceed, for clarity of  
6 the record, I would ask everyone to state their  
7 name before speaking and to speak slowly and  
8 clearly so that the court reporter can capture  
9 everything that is said.

10 I have checked. We have all four  
11 commissioners with us; we have a quorum.

12 We have 19 requests to speak today.  
13 Under 2 Illinois Administrative Code Section  
14 1700.10, any person desiring to address the  
15 Commission shall be allowed up to three minutes.  
16 However, Subsection D of the same section requires  
17 that the total time for presentations at any  
18 meetings shall be limited to 30 minutes unless a  
19 commissioner moves for, and the Commission  
20 approves, a longer period to give everyone a fair  
21 chance to speak. I would like to motion the  
22 commissioners to allow extending the public

1 speaking beyond 30 minutes. That will allow all 19  
2 speakers to have their full three minutes to  
3 present to the Commission. Is there a second?

4 COMMISSIONER CARRIGAN: Chairman, Mike  
5 Carrigan. I second that.

6 CHAIRWOMAN ZALEWSKI: Are there any  
7 objections to extending the public speaking period  
8 beyond 30 minutes?

9 (No verbal response.)

10 CHAIRWOMAN ZALEWSKI: Hearing none, the  
11 public speaking period is extended. I would ask  
12 everyone to mute their lines if they're not  
13 speaking, we're hearing a little bit of feedback.  
14 Thank you.

15 With that, let's proceed to the  
16 public comments going in order that we received the  
17 requests to speak. We'll hear from the following  
18 19 people. First: Beau Barber. Second: Nicholis  
19 Hall. 3rd: Ronald J. Hamm. 4th: Eddie Pratt, Jr.  
20 Fifth: Kyle Auer. Sixth: Benjamin Theobald.  
21 Seventh: Sarah Blanco. Eighth: Karla J.  
22 Bailey-Smith. Ninth: Zhenya Polozova. Tenth:

1 Priscilla Resendiz. 11th: Emiliano Vera. 12th:  
2 Allan Max Axelrod. 13th: Krystle Able. 14th:  
3 Jessica Motsinger. 15th: Dat Luu. 16th: Mark  
4 Girdler. 17th: Whitney Proffitt. 18th: Cameron  
5 Joseph Williams, and 19th: David Zoltan.

6 Under 2 Illinois Administrative  
7 Code Section 1700.10, any person desiring to  
8 address the Commission shall be allowed up to three  
9 minutes. My policy adviser, Tanya Rabczak, will  
10 keep time which will be up on the screen. Only one  
11 person may speak on behalf of any organization.

12 Please note that the Commission  
13 will not respond directly to any comments.

14 Anyone wishing to provide further comment may  
15 submit a written statement to the Commission.

16 The written comments may be submitted by going to  
17 the ICC website, ICC.Illinois.gov. Go to the  
18 e-Docket system, then look for Docket No. 20-0309.

19 And in that docket, click the "File a Comment"

20 link. You can also call the ICC Consumer Services  
21 Division at (800) 524-0795, and they can help you  
22 submit a comment.

1 First, Mr. Beau Barber. Are you  
2 there?

3 MR. BARBER: Yes. I'm here.

4 CHAIRWOMAN ZALEWSKI: I can barely hear you.  
5 If you could turn up your volume, that would be  
6 helpful. Please state and spell your name and then  
7 once you start speaking the timer will begin.

8 MR. BARBER: Can you hear me now?

9 CHAIRWOMAN ZALEWSKI: That's much better.  
10 Thank you.

11 MR. BARBER: Okay. My name is Beau Barber,  
12 B-E-A-U and then B-A-R-B-E-R. I'm a Democratic  
13 Precinct committee person in the Champaign County  
14 Democratic Party for the Ogden 1 Precinct. And I'm  
15 here today to talk about continued concerns over  
16 utility shutoffs.

17 I don't know why I couldn't submit  
18 them that last time, but I'll try it again for the  
19 public -- written public comments submitted to the  
20 docket, including the utility shutoffs database  
21 that I've compiled, and will continue to compile,  
22 as it continuously grows. And it's a living

1     testament to why like I'm -- no matter what these  
2     utility corporations are going to do, like, even if  
3     they tried to do something better this time around,  
4     I don't trust them. Because, you know, they didn't  
5     even follow the weak, means-tested moratorium that  
6     was from September, you know, last week of  
7     September to mid-November.

8                     You know, that was a -- that's a  
9     huge break in trust for me. I don't know how I'm  
10    going to trust them again, especially as we're  
11    heading into another wave of COVID cases like we  
12    saw last fall. I know I've said this before, but  
13    it's like -- it's deja vu. We're seeing it happen  
14    again, and we're just going to let it happen this  
15    time. And it's really frustrating to me. Like I'm  
16    -- I spent a lot of nights doing this and I'm a  
17    grad student. I'm already out of time to do  
18    things. So you know, but chronic fatigue is  
19    whatever, right? It's inherent of the working  
20    class. Whatever.

21                     I apologize. I'm just angry and  
22    frustrated.

1                   But the most recent data that I  
2 pulled from Docket 20-0309, which includes Mount  
3 Carmel disconnecting people, again. Fifty-four  
4 people in March for non-payment. There have been  
5 over 88,000 households disconnected; 2,500 again,  
6 as -- designated as low income since July 2020.  
7 80,000 of those shutoffs happened between September  
8 and November, and I would not doubt that if we were  
9 to -- that if we have not had a, you know -- a  
10 non-means-tested moratorium that wasn't -- not put  
11 in place for a mid-November until March 31st, if we  
12 did not have that non-means tested and complete  
13 moratorium, we would have another 80,000 households  
14 shut off.

15                   And mind you, for two -- that's  
16 about 2.5 people, what, per household? So we're  
17 talking, like, well over a -- we're talking well  
18 over, like, a million people here. So that's a  
19 million people in just those three months.

20                   And I don't know, we're given a  
21 limited amount of time. I wish I could point out  
22 -- but like we're seeing huge disparity, too, in

1 like, shutoffs for race as well. Like this is just  
2 a matter of racism playing out in real time.

3 60619, over 97 percent non-white, majority, black  
4 and people of color, 1,423 shutoffs compared to,  
5 like, 60618. Forty-three percent non-white, only  
6 437 shutoffs.

7 I don't know what to do here. And  
8 we're getting, we're running on fumes and if you  
9 don't do something about it and have a  
10 non-means-tested moratorium again, things are going  
11 to get bad.

12 Thank you for your time.

13 CHAIRWOMAN ZALEWSKI: Thank you.

14 Next Nicholis Hall.

15 MR. HALL: Hi. Can you hear me?

16 CHAIRWOMAN ZALEWSKI: We can hear you.

17 MR. HALL: All right. My name is Nicholis  
18 Hall. That's N-I-C-H-O-L-I-S H-A-L-L. I'm here  
19 today representing Pekin -- Progressives of Pekin,  
20 Illinois.

21 According to the Illinois  
22 Department of Public Health, there were 2,219



1 opioid deaths in 2019 in Illinois. Currently, in  
2 the Peoria area -- Peoria, Tazewell, and Woodford  
3 County area, we're experiencing a surge of COVID  
4 cases.

5           As of April 13, the seven-day  
6 average for COVID in cases in Illinois was 3,189.  
7 In June 2020, the CDC reported 13 percent of  
8 Americans had started increasing substance use as a  
9 way of coping with stress or emotions related to  
10 COVID-19. Overdoses have also spiked since the  
11 onset of the pandemic. The numbers for overdose  
12 deaths in 2020 have still not been fully reported.  
13 But I imagine the numbers are startling.

14           My community has a large number of  
15 people who are currently struggling with opioid  
16 use, or other drugs. This pandemic has placed  
17 people under intense stress from the very real  
18 threat of poor health and the death from the virus,  
19 to the economic hardships and the logistical  
20 challenges, the problems that school closures  
21 present, and increased isolation from social  
22 distancing. This increase in stress is breaking

1 people's mental health. It is only natural that  
2 people would use substances as a coping strategy.

3           The threat of utility shutoffs  
4 will only worsen this. When faced with utility  
5 shutoffs, our neighbors feel this as a threat,  
6 increased anxiety, depression, fear, and shame. If  
7 our neighbors lose power, they can be forced from  
8 their homes, they can be displaced into the next  
9 crisis. Social services and crisis intervention  
10 programs are already stretched thin as it is. And  
11 the burden will fall on their shoulders to pick up  
12 the slack from the inaction by this Commission.

13           The threat of disaster is  
14 barreling towards our neighbors, and you are  
15 standing by, twiddling your thumbs, denying people  
16 protection from landlords drooling at the thought  
17 of evicting their tenants. In Pekin, the city  
18 council decided to use a small, less overt \$447,000  
19 in CBDG funding in a lottery system to give limited  
20 relief to their desperate neighbors. This money  
21 dried up almost instantaneously.

22           Over 900 people had their

1 utilities shut off during the means-tested  
2 moratorium. This could only help a minimum of --  
3 this -- CBDG funding could only help a minimum of  
4 447 people with a cap of \$1,000 per person. Our  
5 neighbors, indeed, are still in dire need of  
6 relief. People need help at this time, they need  
7 protection.

8 If this Commission decides not to  
9 provide that relief in the form of a moratorium on  
10 utility shutoffs, then you're selling people out  
11 to the utility companies' executives. People will  
12 lose their housing, their children will lose days  
13 or weeks of school, parents may be reported for  
14 neglect, and our social services will be  
15 overwhelmed as people are thrust into another  
16 crisis. Thank you.

17 CHAIRWOMAN ZALEWSKI: Thank you.

18 Ronald J. Hamm?

19 BY RONALD HAMM:

20 MR. HAMM: That's me. Hi. My name is  
21 Ronald Hamm, that is R-O-N-A-L-D, Hamm, H-A-M-M.  
22 So all right.

1                   So around this time last year, I  
2 was out on the street. I was helping people. I  
3 was marshaling get-togethers. I was marshaling  
4 markets. And one of the things that I had to do  
5 was chase looters away from businesses while we  
6 were doing that. That's because of discord. That  
7 is because the state that we are in is not  
8 conducive to people being good. People are  
9 desperate. People are hurting. And that doesn't  
10 do good for society.

11                   And I'm hearing now, here in  
12 Springfield, there are already 800 people who have  
13 had their utilities shut off. And I'm trying --  
14 there's me, and there's a whole community of people  
15 who's trying to keep people off the streets -- not  
16 like off the streets in, like -- I'm trying to keep  
17 them from going out in protest. I'm trying to not  
18 give them a reason to go out. And you're here, and  
19 you're making that harder? That's absurd.

20                   And I feel like it's neglectful  
21 for you. It's neglectful. You're putting the  
22 businesses in the -- since you're the Commerce

1 Commission, you're putting the businesses in the  
2 area in danger. You're creating more unrest where  
3 there doesn't need to be more unrest. Where there  
4 is already too much unrest and it just boggles my  
5 mind.

6 I don't know. I just -- what harm  
7 would a moratorium do? What is the estimation that  
8 you're making that the chance that there could be  
9 wide-scale unrest and that you could contribute to  
10 it is less than the chance that maybe some people  
11 could get some relief? I don't understand how that  
12 decision process is being made and I feel like,  
13 maybe, it's being made wrongly.

14 I just -- we need as little reason  
15 for people to get out on the street because the  
16 COVID crisis is not over. There are not enough  
17 people -- I am to understand there are not enough  
18 people getting vaccinated. And it's just bad.  
19 It's bad everywhere.

20 I yield the rest of my time. I  
21 don't have anything else to say. Please consider  
22 the moratorium.

1 CHAIRWOMAN ZALEWSKI: Thank you.

2 Next, Eddie Pratt, Jr.

3 Second call for Eddie Pratt, Jr.

4 MR. PRATT: Can you hear me clear?

5 CHAIRWOMAN ZALEWSKI: Yes. We can hear you.

6 You may proceed, Mr. Pratt.

7 MR. PRATT: So this is my 3rd round of  
8 talking to you people. Since then, a lot has  
9 happened. You are at least mildly informed. The  
10 last time that I spoke, I alluded to what exactly  
11 would transpire as it's all purely of your decision  
12 to leave over a million people to the sake of  
13 utilities that, apparently, just don't care.

14 In my city, in the last week,  
15 we've already had six shootings. Now, I'm not sure  
16 if you are really up to date on why these things  
17 happen. But just as other people have already  
18 alluded to, this is what happens when you put  
19 people's backs against the wall and their stress  
20 levels go to a point to where they feel themselves  
21 in a fight or flight type of mindset. You are  
22 forcing the hand of over 800,000 households across

1 the state. And the fruits of that are already  
2 starting to show.

3 And things are only bound to get  
4 worse, and it's an extremely sensitive time where  
5 people -- the people who are mostly going to be  
6 affected by this, are also the people who are  
7 mostly affected by both the Derek Chauvin trial,  
8 the death of a young black man at the hands of  
9 police. In the midst of all of this, you -- all  
10 this instability within our own communities because  
11 of a lack of financial ability to pay their bills.  
12 You're going to set people in a set of  
13 circumstances in which there will be blood on the  
14 streets and there already are.

15 My question to you. What is the  
16 worth of a human life? What is the worth of your  
17 morality? What is the worth of your integrity?

18 When you decided on April 1, of  
19 all days, April Fools' Day, to not extend this  
20 moratorium, you chose profit over people's lives.  
21 And I want you to know that with every single COVID  
22 death that happens, of every single person that is

1 set out into the streets, that blood lays on the  
2 hands of every single one of you that are on this  
3 board today.

4 But you do have a chance to  
5 rectify that. You do have a chance to limit what  
6 is going to happen as we get into the summer  
7 months.

8 CHAIRWOMAN ZALEWSKI: Mr. Pratt, that's  
9 time.

10 MR. PRATT: And I beg for you --

11 CHAIRWOMAN ZALEWSKI: Can you please spell  
12 your name for the record? I apologize. I didn't  
13 ask you to do that at the beginning.

14 MR. PRATT: My apologies. It's Eddie Pratt,  
15 Jr., E-D-D-I-E P-R-A-T-T, Junior.

16 CHAIRWOMAN ZALEWSKI: Thank you.

17 Next is Kyle Auer. Kyle Auer, are  
18 you on?

19 MR. AUER: Yeah. Can you hear me?

20 CHAIRWOMAN ZALEWSKI: Yes. Please state and  
21 spell your name for the record, then you may begin.

22 MR. AUER: Okay. My name is Kyle Auer, it's



1 K-Y-L-E A-U-E-R.

2 So The Intercept has an article  
3 about the harms that these shutoffs have had on  
4 housing in the State of Illinois. "Well, what  
5 we're seeing, anecdotally, is a real increase in  
6 utility debts," says John Howat, a senior energy  
7 analyst at the National Consumer Law Center. Howat  
8 said, "The utility shutoffs amount to de-housing  
9 people without it being counted as an eviction.  
10 It's a pernicious way to harm people," he said.

11 It's one of the most subtle and  
12 least obvious threats that poses the most immediate  
13 risk to people's pandemic safety. There have been  
14 205 shutoffs in the Normal-Illinois area alone.  
15 This has got to stop. We are still in a pandemic.  
16 We cannot keep doing this to people.

17 One in three people, ages 16 and  
18 over, in Illinois have been vaccinated, which  
19 clearly means that we have a long way to go before  
20 the majority are vaccinated in this state. And to  
21 top it all off, the Johnson & Johnson vaccine has  
22 also been withdrawn, which means there's even less

1 availability of vaccines at the moment.

2 Why put people at risk, not only  
3 for, like, key housing but also for infections,  
4 illnesses, lack of basic necessities. Water is a  
5 human right. Having these utilities are a human  
6 right. Put people over profits. Because, in the  
7 end, the people will always prevail.

8 Thank you. I yield the rest of my  
9 time.

10 CHAIRWOMAN ZALEWSKI: Thank you.

11 Mr. Benjamin Theobald?

12 MR. THEOBALD: Yes. Can you hear me?

13 CHAIRWOMAN ZALEWSKI: We can hear you.

14 Please state and spell your name, then you may  
15 begin.

16 MR. THEOBALD: Sure. My name is Benjamin  
17 Theobald, B-E-N-J-A-M-I-N, last name Theobald,  
18 T-H-E-O-B-A-L-D.

19 I'm speaking up here to, again,  
20 request that you extend the moratorium on utility  
21 shutoff protections -- on utility shutoffs. I  
22 reside in the city of Urbana, and we passed -- this

1 past Monday, the resolution -- the City Council  
2 passed resolution 2021-04-07 -- resolution  
3 declaring continued utility disconnection in  
4 Illinois to be a pandemic safety risk. This is the  
5 first Illinois -- Urbana is the first city to pass  
6 a resolution such as this one in the state of  
7 Illinois.

8 I will just continue to the --  
9 therefore it be resolved by the City Council of the  
10 City of Urbana as Illinois as follows.

11 Section 1: That there is a public  
12 health emergency caused by the contagious COVID-19  
13 virus pandemic.

14 Section 2: The public health  
15 emergency is related to the COVID-19 virus, which  
16 is causing, or anticipated to cause, continued  
17 widespread impacts on the financial health of  
18 members of the community.

19 Section 3: That the City of Urbana  
20 calls on the Illinois Senate to pass HB2877, which  
21 would administer federal dollars directly to  
22 housing and utility providers based on each

1 eligible household's financial needs, rather than  
2 on a flat or fixed amount, as well as limited  
3 foreclosures through January 31, 2021, and provide  
4 the sealing of court filings pertaining to  
5 evictions.

6 Section 4: That the City of Urbana  
7 to declare determination and disconnections of  
8 utility service by any utility provider, whether  
9 private, for-profit, non-profit, public or  
10 co-operative for failure to pay for such service  
11 constitutes a pandemic safety risk until we have  
12 reached at least herd immunity and appropriate the  
13 federal funds made available from HB2877.

14 Section 5: That the City of Urbana  
15 calls on the Illinois governor to enact a 30-day  
16 mandatory moratorium on utility disconnections for  
17 non-payment. The moratorium should be without  
18 means-testing. Now, as tasked by the city council  
19 on April 12, 2021, and it was approved by the mayor  
20 of Urbana on the 13th of April 20 of -- April 13th  
21 of two days ago.

22 I will say that the past seven

1 days, Illinois has had an average -- its COVID  
2 numbers have increased on an average of 3,351.  
3 April 14, their COVID numbers were 3,487, April 13,  
4 3,189. The last time these numbers of COVID --  
5 that Illinois has seen these types of numbers was  
6 October.

7 And I ask you, please extend the  
8 moratorium and I will just end a quote with Abraham  
9 Lincoln, "You cannot skip the responsibility of  
10 tomorrow by evading it today." Thank you very  
11 much.

12 CHAIRWOMAN ZALEWSKI: Thank you.

13 Sarah Blanco?

14 MS. BLANCO: Can you hear me?

15 CHAIRWOMAN ZALEWSKI: We can hear you.

16 Please state and spell your name, then you may  
17 begin.

18 MS. BLANCO: My name is Sarah Blanco.

19 That's Sarah, S-A-R-A-H, and Blanco, B-L-A-N-C-O.

20 And I'm representing the Champaign-Urbana branch  
21 for the Party for Socialism and Liberation.

22 I'm going to talk about why

1 allowing utility shutoffs and particularly water  
2 shutoffs to resume is a dangerous decision, and why  
3 a moratorium on utility shutoffs is needed. I said  
4 a lot of this last month, before the moratorium on  
5 utility shutoffs expired, but since the Illinois  
6 Commerce Commission has chosen to allow them to  
7 resume, I guess I need to say it again.

8 Wash your hands. In the early  
9 months of the COVID-19 pandemic, this phrase was  
10 everywhere. From profile pictures to marquees on  
11 closed buildings, and of course, on every list of  
12 actions necessary to stop the spread of COVID-19.  
13 For washing hands in order to prevent the spread of  
14 COVID-19 and for so much more, water is essential  
15 for life. It is a basic human right.

16 However, water corporations such  
17 as Illinois American Water use this natural  
18 resource and basic necessity as a source of profit  
19 and have the power to cut off access to it for  
20 those who are unable to pay, putting all of us in  
21 danger.

22 Between October 2020 and February

1 2021, Illinois American Water cruelly and  
2 recklessly withheld running water from almost  
3 12,000 households. Meanwhile, American Water has  
4 been profiting more and more. Since the beginning  
5 of the pandemic, American Water's profits have only  
6 increased.

7           For Quarter 2 of 2020, American  
8 Water's profits per share increased 3.2 percent  
9 compared to Quarter 2 in 2019. For Quarter 3 of  
10 2019 to Quarter 3 of 2020, the increase was 9.8  
11 percent per share. And in Quarter 4 of 2020, as  
12 American Water denied water to thousands, their  
13 profits increased by 48 percent per share compared  
14 to Quarter 4 of 2019.

15           Water is a basic human right and  
16 denying access to it always presents a danger to  
17 public health, pandemic or no pandemic, but this is  
18 especially true during the pandemic. Just when we  
19 need to be more vigilant than ever about hand  
20 washing and need to stay home as much as we  
21 possibly can, the economic crisis is leaving  
22 Illinois residents unable to pay utility bills and

1 facing shutoffs.

2           The Illinois Commerce Commission  
3 has a choice. They can go in a new direction,  
4 prioritize the health and safety of the people of  
5 Illinois and impose a mandatory non-means-tested  
6 moratorium on utility shutoffs, or they can choose  
7 not to act and allow utility shutoffs to continue,  
8 prioritizing American Water and other utilities'  
9 companies' pursuit of profit at any cost to human  
10 health and human lives.

11           In allowing utility shutoffs to  
12 resume, the Illinois Commerce Commission is  
13 inviting a public health disaster. Because  
14 American Water cannot be trusted to put the needs  
15 of people over the pursuit of profits, a mandatory  
16 non-means-tested moratorium on utility shutoffs is  
17 necessary.

18           Lives depend on it. All power to  
19 people.

20           CHAIRWOMAN ZALEWSKI: Thank you.

21           Karla J. Bailey-Smith.

22           MS. BAILEY-SMITH: Thank you. My name is



1 Karla Bailey-Smith, K-A-R-L-A, last name  
2 B-A-I-L-E-Y, hyphen, Smith.

3 I live in Bloomington-Normal. And  
4 I'm here to urge you to consider the human costs of  
5 your decisions, past, present, and future.

6 I want you to think of the people  
7 that exist beyond these corporate decisions. Even  
8 though people are getting back to work, many have  
9 been out of work for months. And while they may  
10 have income now, catching up is going to take a  
11 long time and will require federal money, used at  
12 the state level, to help people pay back their rent  
13 and utilities, including helping the property  
14 owners pay for their liabilities.

15 We suffered 11 months of a Trump  
16 administration that failed to address relief at all  
17 levels. All over the state of Illinois, there are  
18 parents who have had to stay at home and provide  
19 full-time childcare, an oversight of remote-learned  
20 schooling. So before you agree to utility  
21 shutoffs, think of the single mom with a couple of  
22 young kids under the age of 10 who had no choice

1 other than to stay home to look after her children.  
2 No real solutions were offered to folks like her.

3           Picture the mom with a 3rd grader  
4 and a kindergartner, who has attended remote school  
5 for a year now, and picture them without  
6 electricity or gas to heat their home or use their  
7 stove. These aren't just numbers in an accounting  
8 column. These are real people who will suffer, not  
9 only because of the decisions you make now but  
10 because of the inaction and the lack of long-term  
11 planning of the previous executive administration.

12           Instead of allowing moms and dads  
13 who've stopped working because they have to stay at  
14 home and take care of their children to become the  
15 victims, help them recover from this pandemic  
16 because it is the right thing to do, morally, and  
17 from a humanitarian viewpoint.

18           All religions talk about taking  
19 care of your neighbor and doing unto others.  
20 Please do the right thing. It shouldn't have to  
21 happen to you for it to matter to you. Thank you.

22           CHAIRWOMAN ZALEWSKI: Thank you.

1 Zhenya Polozova.

2 MS. POLOZOVA: Hey, all. Can you hear me?

3 CHAIRWOMAN ZALEWSKI: We can hear you.

4 MS. POLOZOVA: Great. My name is Zhenya  
5 Polozova. The spelling is Z-H-E-N-Y-A  
6 P-O-L-O-Z-O-V-A. I'm speaking on the behalf of  
7 Food & Water Watch. Since March 2020, hundreds of  
8 localities in many states took strong action to  
9 suspend water shutoffs, but Illinois hasn't, and  
10 that's had disastrous consequences.

11 For example, from just October to  
12 February, Illinois American Water and Aqua Illinois  
13 have shut off 13,523 households, which is an  
14 estimated 3500 people who have lost water access  
15 during just those few months. This patchwork of  
16 protections in the United States has left millions  
17 of people vulnerable to service disruptions due to  
18 an inability to pay water bills during the pandemic  
19 and the resulting economic crisis.

20 To ensure that Illinois residents  
21 are protected, I'm here to echo what everyone else  
22 has said here today and urge the ICC to extend the

1 utility shutoff moratorium until after the pandemic  
2 is over. And I'm sharing new research here today  
3 that shows a strong connection between water  
4 service shutoff and increased COVID-19 rates.

5 Food & Water Watch and Cornell  
6 University found that a nationwide water shutoff  
7 moratorium would have saved more than 9,000 lives  
8 and prevented nearly half a million people from  
9 being infected with COVID through the end of 2020.

10 The study finds that states with  
11 full shutoff moratoria, the growth rates for  
12 COVID-19 infections and deaths were significantly  
13 lower, and had these shutoff protections been in  
14 place nationally, it may have reduced the total  
15 COVID-19 cases by four percent, and the death rate  
16 by 5.5 percent in the 41 states without a full  
17 coverage of the moratorium, between April 17, 2020,  
18 and December 31, 2020, and that includes Illinois.

19 And with emerging variants of the  
20 virus that causes COVID-19, it's so crucial that we  
21 ensure access to water services to continue to help  
22 slow the spread of the virus, prevent worsening

1 infection rates, and literally, save lives. And we  
2 urge the Illinois Commerce Commission to put people  
3 over profit and protect people from shutoffs.

4 And I'll post this study in the  
5 chat now. Thank you.

6 CHAIRWOMAN ZALEWSKI: Thank you.

7 Priscilla Resendiz.

8 MS. RESENDIZ: My name is Priscilla  
9 Resendiz. It's P-R-I-S-C-I-L-L-A R-E-S-E-N-D-I-Z.  
10 I'm here as a representative of the Lake Front DSA.

11 I'm here before you in solidarity  
12 with the many individuals and organizations who are  
13 asking you for a moratorium on utility shutoffs.  
14 The residents of the state are counting on you to  
15 protect their welfare, especially in the midst of a  
16 global pandemic. As many of the commenters before  
17 me have addressed, we are facing unprecedented  
18 poverty, illness, and death.

19 You have reminded us time and  
20 again that those in need should apply with these  
21 utility companies for financial hardship  
22 assistance. I don't know that any of you have

1 faced the gut-wrenching decision of having to  
2 choose between your bills, and if you have, I'm  
3 asking you to recall that stress. How do you  
4 choose between your water, your electricity, your  
5 food?

6                   When you're faced with this  
7 insecurity and quickly depleting savings, it is  
8 overwhelming to navigate unemployment insurance  
9 applications, and financial hardship applications,  
10 and refinancing applications -- exhausting to  
11 facilitate virtual learning for your children, and  
12 virtually impossible to balance your and your  
13 family's emotional well-being on top of basic  
14 needs.

15                   I am calling on you to remove this  
16 burden from families and individuals who are  
17 struggling to survive. No amount of money is worth  
18 more than human life. Please do not ignore the  
19 basic needs of the people you serve. We are  
20 struggling, we are desperate, and we will remember  
21 your choice. Thank you.

22                   CHAIRWOMAN ZALEWSKI: Thank you.

1                   Next, Emiliano Vera.

2                   Second call for Emiliano Vera.

3                   (No verbal response.)

4   Okay.   Next, Allan Max Axelrod.

5                   MR. AXELROD:   Hello.   Can you hear me?

6                   CHAIRWOMAN ZALEWSKI:   We can hear you.

7                   MR. AXELROD:   All right.   My name is Allan  
8   Max Axelrod, A-L-L-A-N M-A-X A-X-E-L-R-O-D.   I'm  
9   the campaign lead from No Ameren Shutoffs, a  
10   zero-dollar, all-volunteer grassroots coalition of  
11   51 member organizations and counting, spanning the  
12   state of Illinois north and south, east and west.

13                   The last time we spoke, you  
14   congratulated yourselves for the weakened  
15   protections that are putting Illinoisans at risk.  
16   So I would like to, in turn, congratulate you for  
17   your coverage in the Washington Post today.   See,  
18   the Washington Post ended up covering the fact that  
19   the last time that utility protections were this  
20   weak, over 72,000 Illinoisan households were  
21   failed.   By you.

22                   So the question that we have

1 before you today, in this once-in-a-lifetime  
2 pandemic, is how do you want to be remembered? How  
3 do you want kids' book reports on this  
4 life-changing event to remember you? Because  
5 that's all you're going to have at the end of the  
6 day, is your memory.

7           The Chicago Teachers Union was  
8 supposed to have their high school teachers go back  
9 to work this week, but due to the increase in COVID  
10 pandemic caseload -- again, we've had only one day  
11 below 2,000 cases since March 24, and the nine --  
12 or the seven-day average of coronavirus cases is  
13 neck and neck with Texas, a state with over twice  
14 our population.

15           When will you do the right thing?  
16 How many bipartisan units of government need to  
17 advocate before you will? Because the City of  
18 Urbana is bipartisan. There is a Republican cop,  
19 who hates my living guts, who understood that it  
20 was more in the interest of the community to pass a  
21 resolution than to continue a feud with an  
22 activist.



1                   When will you do the right thing?

2                   The other aspect that we have to  
3 keep in mind is that these debts will take a long  
4 time to pay back. Back in September, it took a  
5 family three weeks to catch up on their utility  
6 bills. I recommend that every one of the  
7 Commissioners here read the Washington Post story  
8 today and decide whether or not you want to have  
9 Illinoisans relive those experiences.

10                   And there is one person in  
11 particular that I'd like to quote from there. "You  
12 have some effing nerve shutting us off during a  
13 pandemic." Have a good day.

14                   CHAIRWOMAN ZALEWSKI: Thank you,  
15 Mr. Axelrod.

16                   Next, Krystle Able.

17                   Second call for Krystle Able.

18                   (No verbal response.)

19                   CHAIRWOMAN ZALEWSKI: Next, Jessica  
20 Motsinger.

21                   Jessica Motsinger.

22                   (No verbal response.)

1 CHAIRWOMAN ZALEWSKI: Next, Dat Luu.

2 MR. LUU: I'm here. Can you hear me?

3 CHAIRWOMAN ZALEWSKI: We can hear you.

4 Please state and spell your name, then you may  
5 proceed.

6 MR. LUU: My name is Dat Luu, D-A-T L-U-U.

7 I'm here to represent the University of Illinois at  
8 Urbana-Champaign's Young Democratic Socialists of  
9 America. I want to reiterate the statements of the  
10 other speakers made today, namely the current  
11 policy in place to allow for utility shutoffs to  
12 occur during a pandemic is a horrific travesty.  
13 That since this day has been allowed to take place,  
14 countless lives have been condemned to death.

15 This is not an unchangeable trend.  
16 This body can change this. You have the ability to  
17 do the right thing.

18 A resolution will be introduced to  
19 Illinois student government by their sitting  
20 president regarding utility shutoffs next week. If  
21 the student body of the University of Illinois at  
22 Urbana-Champaign is not already aware of this

1 humanitarian disaster happening to the very state  
2 that they are in, they will very soon. I do not  
3 even speak of the other students of all ages who  
4 cannot learn when their lives at risk due to the  
5 utility shutoffs.

6 I implore the Illinois Commerce  
7 Commission to assume the responsibility that you  
8 took when you became public officials that work for  
9 the public. Thank you.

10 CHAIRWOMAN ZALEWSKI: Thank you.

11 Mark Girdler.

12 Second call for Mark Girdler.

13 (No verbal response.)

14 CHAIRWOMAN ZALEWSKI: Whitney Proffitt.

15 Second call for Whitney Proffitt.

16 (No verbal response.)

17 CHAIRWOMAN ZALEWSKI: Cameron Joseph  
18 Williams.

19 MR. WILLIAMS: Hello. Can you hear me?

20 CHAIRWOMAN ZALEWSKI: We can hear you,  
21 Mr. Williams. Please state and spell your name.

22 MR. WILLIAMS: My name is Cameron Williams,

1 C-A-M-E-R-O-N W-I-L-L-I-A-M-S. I am here  
2 representing the Central Illinois Democratic  
3 Socialists of America.

4 I'm here to also show my support  
5 for the utility shutoff moratorium. To shut off  
6 people's power and water during a pandemic is  
7 irrehensible. It is disgusting. Pandemics don't  
8 come along every day. We haven't seen a pandemic  
9 to this extent in decades. I mean, I think the  
10 last one that was to this extent was the Spanish  
11 Flu, and we know how long ago that was. So we  
12 don't have this moment in time to do the right  
13 thing every day, every year, every decade. This is  
14 our time.

15 This is your time to do the right  
16 thing during a global pandemic and stop people from  
17 losing their power which is -- as we all know is an  
18 essential part of living nowadays, even more so  
19 than it ever has been. The Internet is integrated  
20 into every single aspect of our lives. To shut off  
21 people's power during this time is, like I said,  
22 irrehensible, and I just -- I agree -- I want to

1 reiterate everything that everybody who has talked  
2 today has said about the millions of lives that are  
3 being lost due to COVID-19, continue to be lost to  
4 this day, and the thousands of people who are  
5 losing their power and suffering more than they  
6 ever should have during a pandemic where they  
7 already are suffering more than they ever should  
8 have.

9                   And Illinois needs to do the right  
10 thing. I used to believe, months ago, because I  
11 read plenty of data that Illinois was leading the  
12 country in handling the COVID-19 pandemic. We had  
13 some of the lowest cases in the entire country. I  
14 think we were second, maybe even first, there, for  
15 a while. But now, you know, we -- there are 14  
16 active states that have a COVID-19 utility  
17 moratorium that, you know, I can name them off --  
18 Washington, California, Minnesota, Wisconsin,  
19 Maine, Arkansas, Virginia, more and more of them,  
20 but the biggest one that really caught my eye was  
21 Texas.

22                   Texas has a utility shutoff

1 moratorium. And we all know that Texas was the  
2 last state to give up their slaves, so in my  
3 opinion, they are the most morally bankrupt state  
4 that exists in the country, but we are losing and  
5 falling behind to Texas.

6 And it is a shame. We should be  
7 completely ashamed of ourselves. Put a moratorium  
8 in place, keep it going. Be better than Texas.  
9 Lead the pack on utility shutoffs and do the right  
10 thing. Thank you.

11 CHAIRWOMAN ZALEWSKI: Thank you.

12 Finally, David Zoltan.

13 MR. ZOLTAN: Are you recording me?

14 CHAIRWOMAN ZALEWSKI: Mr. Zoltan?

15 MR. ZOLTAN: Yes. Thank you. My name is  
16 David Zoltan, D-A-V-I-D Z-O-L-T-A-N.

17 I'm sorry. Can you hear me?

18 CHAIRWOMAN ZALEWSKI: We can hear you.  
19 There's a little bit of back feed behind you, but  
20 we can hear your voice.

21 MR. ZOLTAN: There's nothing on my end. It  
22 might be one of the other folks that might be --

1 but I'll go ahead and get started.

2 Thank you to the Commission for  
3 hearing me today. I appreciate the opportunity to  
4 speak to you. Well, I am a housing activist and  
5 advocate across the state and across the nation,  
6 and work with groups such as the Chicago Housing  
7 Justice League as well as many other organizations  
8 around the state. I come to you as an individual  
9 today, one who has been directly and personally  
10 impacted himself.

11 I am one of the homeless. I have  
12 been struggling for the last five years here in  
13 Chicago to hold my head above water. At this time  
14 I am on disability because of that homeless period  
15 where I lost my leg. And my disability check comes  
16 in at just \$14 over my rent. As you can imagine,  
17 paying my utilities is not just difficult, it is  
18 impossible.

19 And while I appreciate the efforts  
20 of the Commission that has tried to put forth --  
21 and I have no doubt that you are all doing what you  
22 believe to be the best for Illinois. I can tell

1 you from personal experience, it is not enough. I  
2 have reached out and I have -- we see, now, that  
3 help is ending as we speak. And to hear that there  
4 is going to be a lapse in the moratorium is deeply  
5 frightening to me and to many others across the  
6 state.

7 In January of this year, the  
8 National Bureau of Economic Research released  
9 Working Paper 28394, which showed definitively that  
10 on a state-by-state basis, they were able to show  
11 that the eviction moratoriums that were in place  
12 reduced deaths by 11 percent and the utility  
13 moratoria that were in place reduced deaths by 7.4  
14 percent.

15 By the current numbers of deaths  
16 that we're experiencing here in Illinois, that  
17 means an additional two deaths, per day, that we  
18 will face as Illinoisans. And I ask you, can you  
19 write two names of people in your lives that you  
20 would wish to see die by COVID, and in the  
21 horrible, horrible ways that COVID afflicts people  
22 to their end?



1                   And if you can't do that, per day,  
2 that we go without a moratorium until we hit herd  
3 immunity and we have protection from this virus,  
4 then if you ask anyone in Illinois, say, we have  
5 nearly 45,000 utility shutoffs already here in  
6 Chicago, one in four in the state, nearly 1,000 in  
7 Decatur, around 1,000 in Springfield. These people  
8 need your help and I implore you.

9                   You've heard the passionate pleas  
10 of those before me, you've heard my own, and I ask  
11 you to act on your best instincts, to do your best,  
12 and to protect the people of Illinois. Ensure that  
13 housing is a human right, water is a human right,  
14 and that we do everything we can for Illinois.  
15 Thank you.

16                   CHAIRWOMAN ZALEWSKI: Thank you, Mr. Zoltan.

17                   This concludes our requests to  
18 speak, so we are going to move on to our agenda.

19                   We're moving on to our Public  
20 Utilities Agenda.

21                   There are no minutes to approve.

22                   Under the Electric Items. Items E-1

1 and E-2 concern investigations into Liberty Power's  
2 and Switch Energy's, sales, solicitation,  
3 marketing, and reporting practices. Commission  
4 staff indicated potential violations of the  
5 Commission Rules and recommended that the  
6 Commission initiate these proceedings. The orders  
7 initiate the proceedings to investigate and impose  
8 sanctions if warranted. Are there any objections  
9 to considering these items together and approving  
10 the orders?

11 (No verbal response.)

12 CHAIRWOMAN ZALEWSKI: Hearing none, the  
13 orders are approved.

14 Item E-3 concerns ComEd's  
15 reconciliation of revenues collected under Rider  
16 UF, or Uncollectible Factors, for the period of  
17 June 1, 2018, through May 31, of 2019. The order  
18 approves the reconciliation as reflected in the  
19 appendix to the order, finding that the costs were  
20 prudently incurred. Are there any objections to  
21 approving the order?

22 (No verbal response.)

1 CHAIRWOMAN ZALEWSKI: Hearing none, the  
2 order is approved.

3 Item E-4 concerns Docket 20-0310,  
4 which is a moratorium on in-person marketing of  
5 services by alternative retail electric suppliers  
6 during the Public Health Emergency. The Fifth  
7 Interim Order grants Staff's March 11, 2021, motion  
8 for modification of the Commission's March 18,  
9 2021, emergency order to allow for in-store  
10 marketing and appointment-based solicitation of  
11 non-residential customers.

12 The order also grants Liberty  
13 Power's March 12, 2021, motion to allow in-person  
14 solicitation subject to the conditions set forth in  
15 the order. The Sixth Interim Order grants the  
16 request by Vistra Retailers for modification of the  
17 Emergency Order to allow in-person  
18 appointment-based solicitations of non-residential  
19 customers, except for small commercial retail  
20 customers, consistent with the Commission's  
21 decision on March 4 of 2021.

22 I'm going to call a role for this

1 vote. If you are in favor of approving the Fifth  
2 and Sixth Interim Order, please say, "Aye," if you  
3 are opposed, please say, "Nay."

4 Commissioner Bocanegra?

5 COMMISSIONER BOCANEGRA: Aye.

6 CHAIRWOMAN ZALEWSKI: Commissioner Kimbrel?

7 COMMISSIONER KIMBREL: Aye.

8 CHAIRWOMAN ZALEWSKI: Commissioner Carrigan?

9 COMMISSIONER CARRIGAN: Aye.

10 CHAIRWOMAN ZALEWSKI: I vote, "Aye." The  
11 four ayes have it, and the orders are approved.

12 Item E-5 concerns Docket 20-0575.  
13 This is a complaint against ComEd regarding billing  
14 and services in Rockford, Illinois. The parties  
15 filed a motion to dismiss the complaint, noting  
16 that all matters in the dispute have been resolved  
17 and requesting that the Commission dismiss the  
18 complaint with prejudice. Are there any objections  
19 to granting the motion to dismiss?

20 (No verbal response.)

21 CHAIRWOMAN ZALEWSKI: Hearing none, the  
22 motion to dismiss is granted.

1                   Item E-6 confirms a citation  
2 against Crossfire Utility Services for failure to  
3 file a compliance recertification report. Staff  
4 filed a motion to dismiss, indicating that the  
5 company is now in compliance and requested that  
6 this proceeding will be dismissed with prejudice.  
7 Are there any objections to granting the motion to  
8 dismiss?

9                   (No verbal response.)

10                  CHAIRWOMAN ZALEWSKI: Hearing none, the  
11 motion to dismiss is granted.

12                   Item E-7 concerns an application  
13 for a Certificate to Install, Maintain, and Repair  
14 Electric Vehicle Charging Stations. The order  
15 grants the certificate, finding that the Applicant  
16 meets the requirements. Are there any objections  
17 to approving the order?

18                   (No verbal response.)

19                  CHAIRWOMAN ZALEWSKI: Hearing none, the  
20 order is approved.

21                   Item E-8 concerns an application  
22 for certification to operate as an installer of

1 distributed generation facilities in Illinois. The  
2 order grants the certificate, finding that the  
3 Applicant meets the requirements. Are there any  
4 objections to approving the order?

5 (No verbal response.)

6 CHAIRWOMAN ZALEWSKI: Hearing none, the  
7 order is approved.

8 Item E-9 concerns the petition to  
9 cancel a Certificate to Operate as an Agent,  
10 Broker, or Consultant. Petitioner no longer  
11 conducts business in Illinois. The order grants  
12 the petition to cancel the certificate. Are there  
13 any objections to approving the order?

14 (No verbal response.)

15 CHAIRWOMAN ZALEWSKI: Hearing none, the  
16 order is approved.

17 Items E-10 through E-14 concern  
18 petitions to cancel Certificates of Service  
19 Authority to Install Energy Efficiency Measures.  
20 The orders cancel the certificates. Are there any  
21 objections to considering these items together and  
22 approving the orders?

1 (No verbal response.)

2 CHAIRWOMAN ZALEWSKI: Hearing none, the  
3 orders are approved.

4 Under our Gas Items. Item G-1  
5 concerns Docket 20-0311, which is a moratorium on  
6 in-person marketing and services by alternative gas  
7 suppliers during the Public Health Emergency. The  
8 Third Interim Order grants Staff's March 11, 2021,  
9 motion for modification of Commission's March 18,  
10 2021, Emergency Order, allowing AGS to resume  
11 in-store marketing and appointment-based  
12 solicitation of non-residential customers, except  
13 for small commercial customers, subject to the  
14 conditions set forth in the order.

15 The Fourth Interim Order grants  
16 the request by the visitor retails for modification  
17 of the Emergency Order to allow in-person  
18 appointment-based solicitations of non-residential  
19 customers except for small commercial customers,  
20 consistent with the Commission's decision on  
21 March 4, 2021.

22 I am going to call a roll on this

1 vote as well. If you are in favor of approving the  
2 Third and Fourth Interim Order, please say, "Aye,"  
3 and if you are opposed, please say, "Nay."

4 Commissioner Bocanegra?

5 COMMISSIONER BOCANEGRA: Aye.

6 CHAIRWOMAN ZALEWSKI: Commissioner Carrigan?

7 COMMISSIONER CARRIGAN: Aye.

8 CHAIRWOMAN ZALEWSKI: Commissioner Kimbrel?

9 COMMISSIONER KIMBREL: Aye.

10 CHAIRWOMAN ZALEWSKI: I vote, "Aye." The  
11 four ayes have it and the orders are approved.

12 Item G-2 concerns Docket 20-0425,  
13 which is a complaint against Peoples Gas as to  
14 billing. The Commission finds that the complainant  
15 failed to show that she was billed improperly. The  
16 order denies the complaint. Are there any  
17 objections to approving the order?

18 (No verbal response.)

19 CHAIRWOMAN ZALEWSKI: Hearing none, the  
20 order is approved.

21 Item G-3 concerns MidAmerican's  
22 petition for Commission's approval to enter into a



1 contract with an affiliated interest. MidAmerican  
2 intends to enter into a firm natural gas  
3 distribution agreement with Cordova Energy Company.  
4 The order grants the petition, finding that the  
5 petition is consistent with the requirements of the  
6 Public Utilities Act and is in the public interest  
7 subject to reporting requirements contained in the  
8 order. Are there any objections to you approving  
9 the order?

10 (No verbal response.)

11 CHAIRWOMAN ZALEWSKI: Hearing none, the  
12 order is approved.

13 Item G-4 concerns an application  
14 for certification to operate as an alternative gas  
15 supplier. The order grants the certificate,  
16 finding that the Applicant meets the requirements.  
17 Are there any objections to approving the order?

18 (No verbal response.)

19 CHAIRWOMAN ZALEWSKI: Hearing none, the  
20 order is approved.

21 Item G-5 concerns Nicor Gas's  
22 petition to approve, on less than 45 days' notice

1 and without suspension, a tariff governing  
2 uncollectible expense adjustments. The Commission  
3 staff recommends granting the special permission,  
4 noting that the proposed revision to Rider 26 are  
5 consistent with the agreement reached by the  
6 parties in Docket 20-0309. The revisions will  
7 allow Nicor to provide credit to eligible customers  
8 in the form of Bill Payment Assistant Grants.

9 I'm going to call a role on this  
10 vote. If you are in favor of granting the special  
11 permission, please say, "Aye," and if you are  
12 opposed, please say, "Nay."

13 Commissioner Bocanegra?

14 COMMISSIONER BOCANEGRA: Chair, I'm going to  
15 be voting, "Aye," today, but for the record, this  
16 will be a concurrence, and I have some remarks from  
17 the bench when you are all ready.

18 CHAIRWOMAN ZALEWSKI: You can go ahead and  
19 make your comments now if you're ready.

20 COMMISSIONER BOCANEGRA: Sure. Thank you.  
21 Let me pull up my screen here. I apologize. All  
22 right. So I will try to be brief. I know people

1 have to travel back home today.

2           So I have to say, first, while I  
3 concur in the outcome of this docket, that is the  
4 creation of a Bill Payment Assistance Program, I  
5 disagree with the path and the strained methodology  
6 employed to get there.

7           Before I begin, I want to start by  
8 first saying that I commend Nicor, our utilities,  
9 and those stakeholders that were able to, and could  
10 afford to participate, in the underlying moratorium  
11 docket. You have all done your best to rise to the  
12 occasion and to do right by the citizens of  
13 Illinois. I know that these decisions are not  
14 easy, and they're not easily achieved, but I  
15 commend the creation of a much-needed Bill Payment  
16 Assistance Program.

17           Second, I want to be clear that in  
18 balancing the interests of all, I have always tried  
19 to be a proponent of erring on the side of caution  
20 on behalf of all of our ratepayers during these  
21 challenging times. It was I who was the lone vote,  
22 the lone to central last year, when my colleagues

1 voted in favor of lifting portions of the  
2 moratorium docket, despite the Commission's wide  
3 latitude and discretion to have done otherwise.

4 Third, I want to clarify that my  
5 prior vote in the underlying moratorium docket  
6 approving the parties stipulations was as to just  
7 that; the agreement for a Bill Payment Assistance  
8 Program, not an agreement to what I believe is  
9 circumventing what the law requires. So it's  
10 against this backdrop I want to share a summary of  
11 some of the legal and policy concerns I have on  
12 behalf of the public today.

13 So Section 19-145, which deals  
14 with the automatic adjustment clause, commonly  
15 referred to in this instance as "the uncollectible  
16 rider." In particular, this statute provides, and  
17 I quote, "The utility shall apply the appropriate  
18 credit or charge over a twelve-month period,  
19 beginning with the June billing period and ending  
20 with the May billing period."

21 Here, the problem becomes that the  
22 utility is not doing what the statute says it must

1 do. There is no appropriate credit. There's no  
2 twelve-month spread, and I fail to see how any  
3 other readings suggest that this is optional and  
4 that funds can be diverted elsewhere.

5 This is problematic as suggesting,  
6 for example, applying excess edicts to  
7 uncollectibles. There is no strained reading under  
8 any circumstances that suggest this is optional and  
9 or that we should shortcut other available legal  
10 methods for accomplishing the same results.

11 Further, the statute provides that  
12 "Charges and credit under the tariff shall be  
13 allocated to the appropriate customer class or  
14 classes." In this particular docket today, this  
15 does away with such allocation and instead  
16 allocates it elsewhere.

17 I want to talk about the lack of  
18 -- or excuse me, the risks and the lack of  
19 regulatory oversight for a moment. This statute  
20 also states that "The Commission shall verify that  
21 the utility collect no more and no less than its  
22 actual uncollectible amount." It goes on to say

1 that, "The Commission shall review the prudence and  
2 reasonableness of the utilities' actions to pursue  
3 minimization and collection of uncollectibles,  
4 which shall include," -- and of course, the statute  
5 goes onto list a litany of factors.

6 So I ask us, what is the  
7 oversight? What are we really reviewing at this  
8 point? Are we reviewing the prudent estimate of  
9 uncollectibles or an estimation of monies needed to  
10 fund a program? With this questionable framework,  
11 those six factors mean absolutely nothing. What's  
12 the purpose of these factors if we're just going to  
13 ignore them? This is contrary to many of the  
14 stated concerns of this state, including the  
15 oft-stated desire to exercise more control over  
16 utility regulation.

17 When the utility is free to simply  
18 take funds owed to all ratepayers, the utility is  
19 not incentivized to reasonably estimate its  
20 anticipated uncollectibles because it knows and it  
21 is guaranteed that those funds will be reallocated.  
22 So again, what is the oversight? What are we

1 really reviewing?

2                   And should a utility  
3 overestimate, it would not matter, either, as  
4 those funds would never be returned to ratepayers,  
5 and instead be placed into some program without any  
6 interest owed.

7                   The Commission has repeatedly  
8 expressed concern over the utility's lack of effort  
9 in minimizing uncollectibles, and this all but  
10 guarantees no effort at all. Indeed, it was Chair  
11 Zalewski's office who suggested greater enforcement  
12 was needed into examining whether utilities were  
13 doing all that they could under 19-145.

14                   Those very concerns, indeed, and  
15 rightfully so, serve the basis for a notice of  
16 inquiry on affordability shortly thereafter. This  
17 path all but does away with the need to examine any  
18 of those factors or the concerns raised.

19                   I want to talk quickly about the  
20 problem with single-issue rate making. So Illinois  
21 courts have held that statutorily or  
22 Commission-approved automatic adjustment clauses,

1 riders, or trackers are not considered single-issue  
2 rate making. But that is not the case here. By  
3 doing an end run around around what Section 19-145  
4 requires, we're no longer dealing with the true  
5 automatic adjustment clause, and instead, the  
6 reality is, is we're just engaging in single-issue  
7 rate-making.

8                   And let's talk about the precedent  
9 this is setting. Permitting such unauthorized use  
10 of this rider sets a precedent for utilities and  
11 other stakeholders to use these funds from  
12 potentially a variety of other riders for something  
13 other than what the law says. While it's laudable,  
14 the parties are rightfully attempting to address  
15 the potentially mounting arrearages accumulated and  
16 owed as a result of the COVID-19 pandemic.

17                   Using an automatic adjustment  
18 clause that is statutorily meant to recover or  
19 return money owed to utilities or ratepayers,  
20 respectively, once that clause is invoked is  
21 plainly contrary to what the statute permits.

22                   So what are the alternatives?



1 Instead, in my opinion, utilities should be filing  
2 under Section 9201. And if the policy concern here  
3 is that this sets precedence for utilities to offer  
4 new or additional programs, rates, or tariffs, or  
5 terms of service, then that should be a concern for  
6 our legislature who is responsible for enacting our  
7 state's laws, including the section allowing for  
8 that in the first place.

9 Do we not want our utilities to  
10 file proper petitions that are innovative and  
11 appropriate under certain circumstances? In my  
12 opinion, this Bill Payment Assistance Program  
13 should have been filed under 9201 or some other  
14 equally viable statute. And if the concern was the  
15 length of such a proceeding like that, then these  
16 sophisticated parties who were able to participate  
17 in the moratorium docket had over one year's worth  
18 of a pandemic to start that process.

19 Section 9201, or similar statutes,  
20 would allow for full public participation. And if  
21 the concern was that this path would take too long,  
22 the same observation applies; this should have

1 began earlier. And this is not to suggest, at all,  
2 that the negotiations in the moratorium docket were  
3 unfair, or closed, or biased in any way. Arguably,  
4 however, I see a general problem with the lack of  
5 smaller parties whose ability to participate in  
6 Commission processes and dockets, which presents  
7 access and equity issues, in my opinion.

8 In addition, we just heard from 19  
9 individuals and or organizations who clearly may  
10 not feel they were represented adequately in those  
11 moratorium proceedings. Either way, that is the  
12 rough analysis and, in fact, it's a red herring.  
13 The question is not whether the moratorium docket  
14 was open to all and whether it was fair. Since  
15 when do we look at other dockets to determine  
16 whether public access and participation were met in  
17 other dockets? Instead, the question is, and  
18 should be, whether this docket today, the one that  
19 we're voting on, is truly open and fair to all.

20 Just because the moratorium docket  
21 was open, it does not mean that this path, in this  
22 case, today, is also that same way. Any other

1 obvious alternative is to simply return the money  
2 as required and proceed with a new petition.

3           And lastly, I want to touch on  
4 policy. I know I've already stated a litany of  
5 reasons, from a policy perspective, of why we  
6 should be concerned, but I want to emphasize that  
7 if the only lens at which we are to examine such  
8 proposals is purely legal, that is whether this  
9 never-before-seen path passes constitutional  
10 muster, then we are falling short of our duties.

11           There are serious policy  
12 implications behind that, that this outcome chooses  
13 to ignore. The fear and/or failure to examine all  
14 of the implications of our work is a disservice to  
15 the public interest, a disservice to the people of  
16 the State of Illinois, and to ratepayers who will  
17 have seen no transparent explanation of why they  
18 will not be getting a refund on their bills for  
19 over-collected uncollectibles, or why they will not  
20 be seeing a line-item surcharge for a Bill Payment  
21 Assistance Program.

22           And you may find yourself asking,

1 "Well, if this is a one-time thing," -- and  
2 according to, of course, the petition today, it is  
3 a one-time thing. But I urge you to strongly  
4 consider that even one time should be concerning  
5 and alarming to all of us. Please indulge me as I  
6 share with you the implications of going down this  
7 path just one time.

8 First, this means that this  
9 gesture for a Bill Payment Assistance Program will  
10 be just that. It's one time. Do not expect  
11 additional assistance, despite this Commission's  
12 repeated concerns around this issue.

13 Second, because this is one time,  
14 this, in my opinion, furthers my concern that this  
15 is, in fact, statutorily not permissible.  
16 Otherwise, why not just make this a permanent  
17 program?

18 Third, this sets dangerous  
19 precedents. I've already said the lack of public  
20 participation on less than 45 days' notice with  
21 these types of filings, we are inviting additional  
22 funneling of funds, potentially, on other riders.

1 And I've mentioned that discouraging filings, for  
2 example, under 9201 which are often the best path  
3 for utilities to consider, develop, and propose  
4 new, perhaps innovative solutions to our most  
5 pressing problems, concerns or issues.

6 And so with that said, I just want  
7 to be clear. I am in favor of today's Bill Payment  
8 Assistance Program. I just disagree with the way  
9 we're getting there. So I will be voting, "Aye,"  
10 with the concurrence. Thank you.

11 CHAIRWOMAN ZALEWSKI: Thank you,  
12 Commissioner.

13 Continuing with the roll-call,  
14 Commissioner Carrigan?

15 COMMISSIONER CARRIGAN: Aye.

16 CHAIRWOMAN ZALEWSKI: Commissioner Kimbrel?

17 COMMISSIONER KIMBREL: Aye.

18 CHAIRWOMAN ZALEWSKI: I vote, "Aye." So the  
19 four ayes have it with Commissioner Bocanegra  
20 concurring for her reasons stated, and the special  
21 permission is granted.

22 Under our Telecommunications Items.

1 Items T-1 through T-4 concern requests for  
2 proprietary treatment of information in the  
3 petitioner's reports. The orders grant the  
4 protections, finding that the information is highly  
5 proprietary and confidential. Are there any  
6 objections to considering these items together and  
7 approving the orders?

8 (No verbal response.)

9 CHAIRWOMAN ZALEWSKI: Hearing none, the  
10 orders are approved.

11 Under our Water and Sewer Items.  
12 Item W-1 concerns Docket 20-0413, which is a  
13 complaint against Illinois American as to billing.  
14 The order denies the complaint, finding that the  
15 complainant failed to show that Illinois American  
16 had improperly charged him for water usage. Are  
17 there any objections to approving the order?

18 (No verbal response.)

19 CHAIRWOMAN ZALEWSKI: Hearing none, the  
20 order is approved.

21 Under our Miscellaneous Items. Item  
22 M-1 concerns an investigation of Realgy Energy's

1 real-time settlement charges to areas and AGS  
2 customers. The order initiates the investigation  
3 to determine if charges are permissible under the  
4 terms of the contracts with the customers and if  
5 the company solicitation and marketing practices  
6 are consistent with the Commission Rules. Are  
7 there any objections to approving the order?

8 (No verbal response.)

9 CHAIRWOMAN ZALEWSKI: Hearing none, the  
10 order is approved.

11 Item M-2 concerns a notice of  
12 inquiry regarding extreme weather preparedness. In  
13 mid-February of this year, severe weather caused  
14 electric and national gas outages in the U.S.  
15 south-central region. Natural gas processing  
16 plants and compressor stations across the region  
17 reportedly were forced to shut down or perform  
18 maintenance as liquids froze inside pipes and  
19 compressors, dramatically reducing output in the  
20 region.

21 This reduction in supply was  
22 coupled with an increase in demand for home heating

1 and by gas, fire, and electric generators, causing  
2 sharp increase in energy prices. With this notice  
3 of inquiry, the Commission is now seeking  
4 additional information, particularly from entities  
5 that are not subject to the Commission's  
6 jurisdiction, on steps taken, or that can be taken,  
7 to ensure that all reasonable efforts are employed  
8 in Illinois to prevent widespread outages and  
9 extreme energy price increases, especially during  
10 extreme weather events. Are there any objections  
11 to approving and initiating the notice of inquiry?

12 (No verbal response.)

13 CHAIRWOMAN ZALEWSKI: Hearing none, the  
14 notice of inquiry is approved.

15 Item M-3 concerns an application  
16 for state-issued authorization to provide cable  
17 service. The order dismisses the proceeding for  
18 want of prosecution, finding that the Applicant  
19 failed to file a complete application and also  
20 failed to file an amended application that cures  
21 the deficiencies. Are there any objections to  
22 approving the order?



1 (No verbal response.)

2 CHAIRWOMAN ZALEWSKI: Hearing none, the  
3 order is approved.

4 Under the Petitions for Rehearing.  
5 Item PR-1 concerns the petition for rehearing in  
6 Docket 20-0426 which is Ameren's proposed creation  
7 of Rider Modernization Action Plan Reconciliation,  
8 or Rider MAPR. On April 5, 2021, CUB, IIEC, and AG  
9 filed a joint application for rehearing. The  
10 Petitioners argue that the Commission's  
11 interpretation of the Public Utilities Act is  
12 contrary to the plain language of the statute. The  
13 Petitioners argue that AIC is not authorized under  
14 the law to reconcile costs for periods after  
15 December 31 of 2022, and that there is no need for  
16 the Commission to approve Rider MAPR at this time.

17 The administrative law judge notes  
18 that the petitioners reiterate the same legal and  
19 policy arguments that were considered and rejected  
20 by the order, and raise no new argument or  
21 interpretations of the Act that would require  
22 rehearing. Are there any objections to denying the

1 application for rehearing?

2 (No verbal response.)

3 CHAIRWOMAN ZALEWSKI: Hearing none, the  
4 application for rehearing is denied.

5 Under Other Business. Item O-1  
6 concerns April 2021 solicitations to Bids to Sell  
7 Zonal Resource Credits to Ameren. Are there any  
8 objections to approving the procurement  
9 administrator's recommendations on selection of  
10 winning bids?

11 (No verbal response.)

12 CHAIRWOMAN ZALEWSKI: Hearing none, the  
13 recommendations are approved.

14 Item O-2 concerns approvals of  
15 batches, contracts, and confirmations under the  
16 Illinois Adjustable Block Program. Are there any  
17 objections to approving the program administrator's  
18 submissions?

19 (No verbal response.)

20 CHAIRWOMAN ZALEWSKI: Hearing none, the  
21 submissions are approved.

22 This concludes our Public Utilities

1 Agenda.

2 Judge Teague-Kingsley, do we have  
3 any other matters to come before the Commission  
4 today?

5 THE COURT: No, Madam Chairman.

6 CHAIRWOMAN ZALEWSKI: Do commissioners have  
7 any other business to discuss?

8 (No verbal response.)

9 CHAIRWOMAN ZALEWSKI: I just want to  
10 reiterate, for the customers that the ICC regulates  
11 that are part of the agreement in Docket 20-0309,  
12 namely Ameren-Illinois, ComEd, Nicor Gas,  
13 People's Gas, NorthStar Gas, Aqua Illinois,  
14 Illinois American Water and Utility Services of  
15 Illinois, if you receive a disconnection notice in  
16 the coming weeks, we urge you to act quickly and  
17 call your utility.

18 If you call your utility before  
19 getting shut off and work out a deferred payment  
20 arrangement with the utility, you will not be shut  
21 off from service. By engaging with your utility,  
22 you can check to see if you qualify for bill

1 payment assistance to reduce what you owe in  
2 arrearages and help enroll in an extended deferred  
3 payment arrangement.

4           These are unprecedented consumer  
5 protections laid out in the stipulated agreement  
6 that was agreed to by all parties, acknowledging  
7 that people are still struggling during this time.  
8 The most important thing to do is to call before  
9 being disconnected. The utility companies are  
10 expecting calls from consumers experiencing  
11 difficulty paying their bills.

12           I want to remind of a couple of  
13 resources currently available. First, the  
14 Department of Commerce and Economic Opportunity in  
15 partnership with Governor Pritzker is offering the,  
16 "Help Illinois Families Initiative," providing home  
17 energy assistance relief to eligible Illinoisans  
18 through the month of May. To learn about this  
19 program or to enroll in LIHEAP, please visit the  
20 DCO's website.

21           The LIHEAP hot-line is (877)  
22 411-WARM, or 9276. The ICC Commission stands ready

1 to assist customers to navigate their options. The  
2 ICC has both English and Spanish-speaking consumer  
3 service counselors who can help you file a  
4 complaint Monday through Friday from 8:30 to 5:00.  
5 The number is (800) 524-0795.

6 There's also additional  
7 information on the ICC website, which is  
8 ICC.Illinois.gov. Under the consumer's tab, we've  
9 added a flier with all this important information  
10 and included direct numbers to the Utility Consumer  
11 Services.

12 Without other comments and without  
13 objection, the meeting is now adjourned. Thank  
14 you.

15 (WHEREUPON, the above-entitled  
16 matter was adjourned.)  
17  
18  
19  
20  
21  
22