

BEFORE THE
ILLINOIS COMMERCE COMMISSION
PUBLIC UTILITY OPEN MEETING
Wednesday, January 31, 2024
Chicago, Illinois

Met pursuant to notice at 11:30 a.m.
160 North LaSalle Street, Chicago, Illinois.

PRESENT:

MR. DOUGLAS P. SCOTT, Chairman
MICHAEL T. CARRIGAN, Commissioner
CONRAD REDDICK, Commissioner
STACEY PARADIS, Commissioner
ANN McCABE, Commissioner

MAGNA LEGAL SERVICES

BY: Michael Marciniak, CER

Notary Public

1 CHAIRMAN SCOTT: Good morning. Under the Open
2 Meetings Act I call the January 31, 2024 Regular Open
3 Meeting to order.

4 Commissioners Carrigan, McCabe,
5 Reddick, and Paradis are with me in Chicago; we have a
6 quorum.

7 We have no requests to speak today.

8 We will start the meeting with the
9 Public Utilities agenda followed by our Transportation
10 agenda.

11 There are edits to the January 10,
12 Special Open Meeting minutes and the January 17,
13 Regular Open Meeting minutes.

14 Are there any objections to considering these
15 items together and approving the minutes as edited?

16 (No verbal response.)

17 CHAIRMAN SCOTT: Hearing none, the minutes are
18 approved as edited.

19 Moving on to our Electric Items.

20 Item E-1 concerns a filing from Ameren
21 to update its electric service tariff table of contents
22 to reflect the addition of performance based rate

1 making reconciliation or rate PBR-R and
2 performance-based rate making metrics rider PBR-M.
3 Staff recommends not suspending the filing.

4 Are there any objections to not suspending
5 the filing?

6 (No verbal response.)

7 CHAIRMAN SCOTT: Hearing none, the filing is not
8 suspended.

9 Item E-2 concerns the initiation of
10 annual reconciliation of power procurement costs for
11 Ameren, ComEd, and Mid-American from June 1st, 2022
12 through May 31st, 2023. The order initiates the
13 reconciliation proceedings.

14 Are there any objections to approving the
15 order?

16 (No verbal response.)

17 CHAIRMAN SCOTT: Hearing none, the order is
18 approved.

19 Item E-3 concerns a motion for
20 clarification in Docket 22-0486 and 23-0055
21 consolidated. This Docket concerns ComEd's petition
22 for approval of its Multi-Year Integrated Grid Plan and

1 Multi-Year Rate Plan. In its motion, ComEd seeks
2 clarification of five issues relating to the scope of
3 rehearing approved by the Commission in this Docket.

4 These issues relate to:

5 1.) The inclusion of approved operation and
6 maintenance expenses (O&M expenses) from the final
7 order in the scope on rehearing.

8 2.) The methodology the Company shall use to calculate
9 the revenue requirement for each test year.

10 3.) The inclusion of the depreciation expense
11 associated with their proposed methodology.

12 4.) The standard by which proposed plant additions
13 will be evaluated in rehearing.

14 5.) The scope of evidence that shall be presented by
15 ComEd in its re-filed Grid Plan.

16 ICCP filed a response to ComEd objecting
17 to certain components of the clarification sought by
18 Com-Ed. After conferring with ICCP, ComEd filed a
19 reply clarifying its proposed scope. The Commission
20 grants ComEd's motion and issues an order on
21 clarification. Through the order, the Commission
22 clarifies that the reasonableness and prudence of O&M

1 expenses approved in the final order of this Docket are
2 within the scope of this rehearing proceeding. Just as
3 with proposed investments, in the absence of a Grid
4 Plan, these costs shall be evaluated using the
5 standards applied to Article IX proceedings.

6 The order further clarifies that in
7 ComEd's refiled Grid Plan proceeding, the Commission
8 shall review the entire portfolio of costs and
9 investments proposed by ComEd, including updated O&M
10 expenses. The Commission shall determine if the
11 portfolio meets the requirements of section 16-105.17
12 of the Act. The Commission grants clarification on the
13 four other matters raised by ComEd as described and
14 agreed upon in its reply to ICCP.

15 Are there any objections to granting ComEd's
16 motion as clarified in its reply to ICCP and approving
17 the order on clarification?

18 (No verbal response.)

19 CHAIRMAN SCOTT: Hearing none, the motion is
20 granted and the order is approved.

21 Items E-4 through E-7 concern
22 applications for certificates of service authority to

1 install, maintain, and repair electric vehicle charging
2 stations. The orders grant the certificates finding
3 that the applicants meet the requirements.

4 Are there any objections to considering these
5 items together and approving the order?

6 (No verbal response.)

7 CHAIRMAN SCOTT: Hearing none, the orders are
8 approved.

9 Item E-8 concerns Mid American's
10 request to reconcile revenues under its Electric
11 Utility Assessment rider (Rider EUA) for the August
12 2022 through July 2023 reporting period. The order
13 approves the reconciliation as set in the appendix to
14 the order, finding that the costs during the
15 reconciliation period were prudently reconciled.

16 Are there any objections to approving the
17 order?

18 (No verbal response.)

19 CHAIRMAN SCOTT: Hearing none, the order is
20 approved.

21 Item E-9 concerns the complaint
22 against Mega Energy of Illinois in Davis, Illinois.

1 The parties filed a joint motion to dismiss indicating
2 that all issues have been resolved. The ALJ recommends
3 granting the motion with prejudice.

4 Are there any objections to granting the
5 motion and dismissing the matter with prejudice?

6 (No verbal response.)

7 CHAIRMAN SCOTT: Hearing none, the motion is
8 granted and the matter is dismissed with prejudice.

9 Item E-10 concerns a petition from
10 IDOT seeking approval of eminent domain to acquire
11 properties currently owned by ComEd in McHenry County.
12 The order grants IDOT approval to acquire the subject
13 properties to complete necessary highway improvements.

14 Are there any objections to approving the
15 order?

16 (No verbal response.)

17 CHAIRMAN SCOTT: Hearing none, the order is
18 approved.

19 Items E-11 through E-14 concerns
20 applications for certification to operate as an
21 installer of distributed generation facilities in
22 Illinois. The orders grant the certificates finding

1 that the applicants meet the requirements.

2 Are there any objections to considering these
3 items together and approving the orders?

4 (No verbal response.)

5 CHAIRMAN SCOTT: Hearing none, the orders are
6 approved.

7 Item E-15 concerns a petition from
8 Energy Service Providers LLC d/b/a Illinois Gas and
9 Electric to change its corporate form, as the
10 petitioner is now licensed as a limited liability
11 Company. The order grants the petition which cancels
12 the former entity's certificate of service authority
13 and reissues the certificate of service authority to
14 the petitioner.

15 Are there any objections to approving the
16 order?

17 (No verbal response.)

18 CHAIRMAN SCOTT: Hearing none, the order is
19 approved.

20 Items E-16 through E-23 concern
21 applications for certifications to install energy
22 efficiency measures in Illinois. The orders grant the

1 certificates finding that the applicants meet the
2 requirements.

3 Are there any objections to considering these
4 items together and approving the orders?

5 (No verbal response.)

6 CHAIRMAN SCOTT: Hearing none, the orders are
7 approved.

8 Moving on to Gas Items.

9 Item G-1 concerns the initiation of
10 an investigation in the Peoples Gas's System
11 Modernization Program (SMP). The Commission's final
12 order and Docket 23-0068 and 23-0069 consolidated
13 requires the Commission to initiate an investigation
14 into SMP by February 1st, 2024. In the final order,
15 the Commission found that SMP in its current iteration
16 has not adequately prioritized the replacement of high
17 risk pipe. Further, with the sunset of the Qualified
18 Infrastructure program (QIP) statute, the final order
19 finds it appropriate to re-examine how the Company
20 prioritizes high risk pipe retirement.

21 The initiating order for this
22 investigation directs the Company to provide thorough

1 and complete responses relating to key information,
2 metrics, and calculations and its direct filing.
3 Specifically, the initiating order requires the Company
4 to provide an explanation of the purpose of the next
5 iteration of SMP, cost estimates, timelines, and the
6 impact on safety for all proposed components of SMP;
7 justification for continuation of the neighborhood
8 approach currently used by the Company; alternatives to
9 the neighborhood approach; and current mileage and
10 neighborhood maps of remaining cast iron and ductile
11 iron pipe on the Company's system.

12 The Commission intends for this
13 proceeding to last no more than 12 months. However,
14 the Commission encourages expediency when possible and
15 recognizes the importance of restarting critical pipe
16 replacement work in an optimized and efficient manner
17 as soon as possible.

18 Are there any objections to approving this
19 initiating order?

20 (No verbal response.)

21 CHAIRMAN SCOTT: Hearing none, the order is
22 approved.

1 Item G-2 concerns a complaint
2 against Peoples Gas in Chicago. We will hold this item
3 for later disposition.

4 Item G-3 concerns a request to
5 reconcile revenues by Ameren under its Volume Balancing
6 Adjustment (Rider VBA) for the 2022 calendar year. The
7 order approves the reconciliation as set forth in the
8 appendices to the order, finding that the costs were
9 appropriately reconciled.

10 Are there any objections to approving the
11 order?

12 (No verbal response.)

13 CHAIRMAN SCOTT: Hearing none, the order is
14 approved.

15 Item G-4 concerns a request to
16 reconcile revenues by Mid-American under its Gas
17 Utility Assessment (rider GUA) for the 2023 fiscal
18 year. The order approves the reconciliation as set
19 forth in the appendices to the order, finding that the
20 costs were appropriately reconciled.

21 Are there any objections to approving the
22 order?

1 (No verbal response.)

2 CHAIRMAN SCOTT: Hearing none, the order is
3 approved.

4 Item G-5 concerns request by North
5 Shore and Peoples Gas to determine the accuracy of
6 their Variable Income Tax Adjustments (rider VITA).
7 The order approves reconciliations under rider VITA as
8 set forth in the appendices to the order. Staff
9 recommends approving the order.

10 Are there any objections to approving the
11 order?

12 (No verbal response.)

13 CHAIRMAN SCOTT: Hearing none, the order is
14 approved.

15 Item G-6 concerns a request to
16 cancel a certificate of service authority to operate as
17 an alternative gas supplier. The order cancels the
18 certificate, finding that it will not deprive Illinois
19 residents of any necessary service and is not otherwise
20 contrary to the public interest.

21 Are there any objections to approving the
22 order?

1 (No verbal response.)

2 CHAIRMAN SCOTT: Hearing none, the order is
3 approved.

4 Moving on to Telecommunications Items.

5 Items T-1 and T-2 concern
6 applications for certificate of wireless authority to
7 operate as re-sellers of telecommunications services.
8 The orders grant the certificates finding that the
9 applicants meet the requirements.

10 Are there any objections to considering these
11 items together and approving the orders?

12 (No verbal response.)

13 CHAIRMAN SCOTT: Hearing none, the orders are
14 approved.

15 Items T-3 through T-19 concern
16 requests for proprietary treatment of information in
17 the Petitioner's 2023 annual reports. The orders grant
18 the protections finding that the information is highly
19 proprietary and confidential.

20 Are there any objections to considering these
21 items together and approving the orders?

22 (No verbal response.)

1 CHAIRMAN SCOTT: Hearing none, the orders are
2 approved.

3 Moving on to Water and Sewer Items.

4 Item W-1 concerns Illinois
5 American's application for a certificate of public
6 convenience and necessity for the construction,
7 operation, and maintenance of public utility water
8 systems in Granite City and its environs in Madison
9 County. Illinois-American also seeks an approval of
10 the purchase of the assets of City of Granite City
11 water and wastewater Systems. The order grants the
12 certificate, approves the proposed purchase of assets,
13 and establishes the rate making rate base.

14 Are there any objections to approving the
15 order?

16 (No verbal response.)

17 CHAIRMAN SCOTT: Hearing none, the order is
18 approved.

19 Moving on to petitions for rehearing.

20 Item PR-1 concerns three petitions for
21 re-hearing from Ameren and IFCUP in Docket 22-0487 and
22 23-0082. We will address each petition separately,

1 beginning with Ameren's petition on rehearing to the
2 Commission's final order. Ameren seeks rehearing on
3 seven issues in the final order relating to both the
4 approved Rate Plan and the rejected Grid Plan.

5 The Commission grants Ameren's petition
6 on rehearing with a limited scope. Specifically, the
7 Commission grants rehearing to establish Ameren's rate
8 base and operation and maintenance expenses, or O&M
9 expenses and total revenue requirement for each test
10 year in the company's Multi-Year Rate Plan. In the
11 December 14th, 2023 final order, the Commission adopted
12 a methodology to establish a rate base and in turn a
13 total revenue requirement for each test year that is
14 reasonable and prudent. The Commission adopted this
15 methodology because Ameren did not provide
16 disaggregated financial evidence needed to determine
17 the Company's revenue requirement if the Commission
18 were to reject the Company's originally filed
19 Multi-Year Integrated Grid Plan.

20 While the Commission also approved O&M
21 expenses in the final order, the Commission directs the
22 Company to submit additional evidence in rehearing that

1 identifies a rate base and related depreciation
2 expenses as well as O&M expenses that are not in the
3 Grid Plan the Commission rejected in its final order.
4 This information shall be used to determine an
5 appropriate overall revenue requirement for the Company
6 for each test year to meet the requirements of sections
7 16-105.17(h) and 16-108.18(g) until a Grid Plan is
8 approved. This information shall be evaluated pursuant
9 to the standards that apply in Article IX proceedings.

10 The Commission acknowledges that the
11 Company is preparing to re-file its Grid Plan for
12 approval. The rate base and O&M expenses for each test
13 year in this rehearing proceeding should not include
14 new Grid Plan projects, investments, and expenses
15 intended to meet the objectives of section 16-105.17 of
16 the Illinois Public Utilities Act. Rather, the Company
17 is directed to provide evidence and justification for
18 costs, plant additions, and expenses that constitute
19 continued prudent investment and spending on its
20 distribution grid under the requirements of section
21 16-105.17(h) and 16-108.18(g) of the act.

22 The Commission emphasizes that this

1 rehearing is not intended to replace, duplicate, or
2 undermine the Company's Grid Plan proceeding once the
3 Grid Plan is refiled. The Company's rate base and O&M
4 expenses will be revisited in its entirety upon
5 approval of the Company's refiled Grid Plan using the
6 process described in the Commission's December, 2023
7 order. Specifically, in its re-filed Grid Plan
8 proceeding, the Commission shall review the entire
9 portfolio of costs and investments proposed by the
10 Company including updated O&M costs. To determine if
11 it meets the requirements of section 16-105.17 of the
12 Act; on all other issues raised by Ameren and its
13 petition, the Commission declines to grant rehearing.

14 Are there any objections to granting Ameren's
15 petition, in part with the limited scope just
16 described?

17 (No verbal response.)

18 CHAIRMAN SCOTT: Hearing none, Ameren's petition
19 is granted, in part.

20 Second, we will address IFCUP's
21 petition for rehearing. IFCUP seeks rehearing on three
22 issues: IFCUP's proposed Reliability-Related Spending

1 Cap on spending to achieve Ameren's performance Metric
2 number one, cash working capital, and labor expense.
3 The Commission grants rehearing on two of the issues
4 raised by IFCUP.

5 First, the Commission grants rehearing
6 to determine whether Ameren's reliability related Grid
7 Plan spending should be limited to its 2023 level of
8 distribution investments plus inflation. The
9 Commission finds this first item in their petition to
10 be within the scope of the rehearing just approved in
11 response to Ameren's petition. Therefore, the
12 Commission grants rehearing on this issue in the
13 context of the approved scope to evaluate Ameren's rate
14 base as described in response to Ameren's petition for
15 rehearing.

16 Second, the Commission grants rehearing
17 on the labor expense issue. As described in response
18 to Ameren's petition, the Commission directs the
19 Company to re-file O&M expenses to determine an
20 appropriate revenue requirement for the 2024-2027 test
21 years. Because labor expense falls within this scope,
22 the Commission finds it appropriate to grant rehearing

1 on this issue.

2 Are there any objections to granting IFCUP's
3 petition in part with the limited scope just described?

4 (No verbal response.)

5 CHAIRMAN SCOTT: Hearing none, IFCUP's petition
6 is granted in part.

7 Third, the Commission will address
8 Ameren's Petition for rehearing in response to the
9 Commission's January 17th amendatory order. The
10 Commission denies rehearing finding that the amendatory
11 order clarified the approved return on equity based on
12 Ameren's motion for clarification.

13 Are there any objections to denying Ameren's
14 petition for rehearing in response to the Commission's
15 January 17th, amendatory order?

16 (No verbal response.)

17 CHAIRMAN SCOTT: Hearing none, the petition is
18 denied.

19 Moving on to Other Business.

20 Item O-1 concerns the Commission's
21 2023 annual report to the governor and the General
22 assembly on electricity, gas, water, and sewer

1 utilities. The annual report is required by Section
2 4-304 of the Public Utilities Act. The report includes
3 a review of the Commission's 2023 activities and the
4 state of Illinois utility industry in 2023, among other
5 topics.

6 Are there any objections to approving the
7 report?

8 (No verbal response.)

9 CHAIRMAN SCOTT: Hearing none, the report is
10 approved.

11 Items 0-2 and 0-3 concern
12 approval of batches, contracts, and confirmations under
13 the Illinois Solar for All program and Illinois
14 Adjustable Adjustable Block Program.

15 Are there any objections to considering these
16 items together and approving the program
17 administrators' submissions?

18 (No verbal response.)

19 CHAIRMAN SCOTT: Hearing none, the submissions
20 are approved.

21 Item 0-4 concerns authorization
22 for the executive director to execute an amendment to

1 the December 8th, 2021 contract between the Commission
2 and Liberty Consulting. Staff recommends the
3 Commission authorize the executive director to execute
4 an amendment to the contract authorizing additional
5 payments for additional work to be performed by
6 Liberty. This amendment is intended to ensure that a
7 thorough and adequate review of the refiled Grid Plans
8 by liberty are obtained.

9 Are there any objections to approving the
10 authorization?

11 (No verbal response.)

12 CHAIRMAN SCOTT: Hearing none, the authorization
13 is approved.

14 This concludes our Public Utilities agenda.

15 (Which were all the proceedings had in
16 the above-entitled cause on this
17 date.)

18

STATE of ILLINOIS.)

19) SS:

COUNTY of COOK)

20

21 I, Michael Marciniak, CER, Notary Public,
22 electronic reporter doing business in the State of

1 Illinois; reported the proceedings that were held on
2 the date, time and place set out on the title page
3 hereof; and that the foregoing is a true and correct
4 transcript of report of proceedings so taken aforesaid.

5 I further certify that I am not related
6 to any of the parties, and I have no financial interest
7 in the outcome of this matter.

8

9

10 *Michael R. Marciniak*

11 MICHAEL R. MARCINIAK.

12 Certified Electronic Reporter, CER-2316

13 Notary Public

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