

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

BEFORE THE
ILLINOIS COMMERCE COMMISSION

BENCH SESSION
(PUBLIC UTILITIES)

Springfield, Illinois

Wednesday, July 31, 2013

Met, pursuant to notice, at 10:30 a.m., Illinois
Commerce Commission, 527 East Capitol Avenue, First
Floor, Springfield, Illinois.

PRESENT:

- MR. DOUGLAS P. SCOTT, Chairman
- MS. ANN McCABE, Commissioner
- MR. JOHN T. COLGAN, Commissioner
- MS. SHERINA MAYE, Acting Commissioner
- MR. MIGUEL DEL VALLE, Acting Commissioner
(Via telephone conference)

MIDWEST LITIGATION SERVICES
By: Rhonda Rhodes Bentley, Reporter
License No. 084-002706

1 CHAIRMAN SCOTT: Pursuant to the provisions
2 of the Open Meetings Act, I now convene a regularly
3 scheduled Bench session of the Illinois Commerce
4 Commission.

5 With me in Springfield are
6 Commissioner Colgan, Commissioner McCabe, and Acting
7 Commissioner Maye. I am Chairman Scott. We have a
8 quorum.

9 We also have Acting Commissioner Del
10 Valle on the phone in Chicago, and I think I just
11 heard his voice. Commissioner, you're there?

12 ACTING COMMISSIONER DEL VALLE: Yes, I'm
13 joined by cast of thousands here.

14 CHAIRMAN SCOTT: Under the Commission's
15 rules, we'll have to vote to allow Acting Commissioner
16 Del Valle to participate by phone. I move to allow
17 Acting Commissioner Del Valle's participation by
18 phone.

19 Is there a second?

20 COMMISSIONER McCABE: Second.

21 CHAIRMAN SCOTT: Moved and seconded. All
22 in favor say aye.

1 (A chorus of ayes.)

2 Any opposed?

3 (No response.)

4 The vote is four to nothing, and Acting
5 Commissioner Del Valle may participate in today's
6 meeting by phone.

7 Before moving into the agenda,
8 according to Section 1700.10 of Title 2 of the
9 Administrative Code, this is the time we allow members
10 of the public to address the Commission. Members of
11 the public wishing to address the Commission must
12 notify the Chief Clerk's office at least 24 hours
13 prior to Commission meetings. According to the Chief
14 Clerk's office, we have no requests to speak at
15 today's Bench session.

16 Moving on to the Public Utility
17 agenda, we'll begin with our semi-annual review of
18 closed transcripts and minutes, some of which the
19 Office of General Counsel recommends be released.

20 Is there a motion to release the
21 transcripts and minutes recommended by the OGC?

22 ACTING COMMISSIONER MAYE: So moved.

1 CHAIRMAN SCOTT: Is there a second?

2 COMMISSIONER McCABE: Second.

3 CHAIRMAN SCOTT: It's been moved and
4 seconded. All in favor say aye.

5 (A chorus of ayes.)

6 Any opposed?

7 (No response.)

8 The vote is five to nothing, and the
9 recommended transcripts and minutes will be released.

10 Next is our approval of the
11 transcript from our June 25th Electric Policy Meeting.

12 I understand the amendments have been forwarded.

13 Is there a motion to amend the
14 minutes?

15 COMMISSIONER COLGAN: So moved.

16 CHAIRMAN SCOTT: Is there a second?

17 ACTING COMMISSIONER MAYE: Second.

18 CHAIRMAN SCOTT: It's been moved and
19 seconded. All in favor say aye.

20 (A chorus of ayes.)

21 Any opposed?

22 (No response.)

1 The vote is five to nothing, and the
2 amendments are adopted.

3 Is there now a motion to approve the
4 transcript as amended?

5 COMMISSIONER COLGAN: So moved.

6 CHAIRMAN SCOTT: Is there a second?

7 COMMISSIONER McCABE: Second.

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

10 (A chorus of ayes.)

11 Any opposed?

12 (No response.)

13 The vote is five to nothing, and the
14 transcript from our June 25th Electric Policy Meeting
15 as amended is approved.

16 Turning now to the Electric portion
17 of today's agenda, Item E-1 is Docket Nos. 11-0354,
18 11-0355, and 11-0356 (consolidated). This is a
19 reconciliation of revenues collected by Ameren under
20 power procurement riders with actual costs associated
21 with power procurement expenditures. ALJ Jones
22 recommends entry of an Order approving the

1 reconciliations, as adjusted by Staff.

2 Is there any discussion?

3 (No response.)

4 Is there a motion to enter the Order?

5 COMMISSIONER McCABE: So moved.

6 CHAIRMAN SCOTT: Is there a second?

7 COMMISSIONER COLGAN: Second.

8 CHAIRMAN SCOTT: All in favor say aye.

9 (A chorus of ayes.)

10 Any opposed?

11 (No response.)

12 The vote is five to nothing. The Order has
13 been adopted. We'll use the five to nothing vote for
14 the remainder of the Public Utility agenda unless
15 otherwise noted.

16 Item E-2 is Docket No. 11-0588.

17 This is ComEd's petition to determine the
18 applicability of Section 16-125(e) liability to events
19 caused by summer 2011 storm systems. We have reviewed
20 the customer claim form and letter drafted by ComEd
21 and the Commission's Consumer Services Division.

22 And I want to say, and I know there

1 may be other Commissioners who have things to say or
2 maybe some questions to ask, I really appreciate Peter
3 Muntaner and Randy Nehrt, hiding in the back there,
4 for all the work that they did in the very short
5 period of time while working with ComEd to try to get
6 that -- both the letter and the notice form in a state
7 that will be usable for the consumers who get that
8 form, and I just really appreciate that because it's
9 been a long process already, and being the first time
10 that something like this has been ruled on and trying
11 to come up with that, I really appreciate all of your
12 efforts, gentlemen, in getting that in a form that --
13 that really makes some sense for the people who are
14 going to have to fill it out and look at it.

15 Further discussion?

16 COMMISSIONER COLGAN: Just that I want to
17 renew your comments, and thanks a lot for that work.

18 CHAIRMAN SCOTT: I believe that no action
19 is required by the Commission on this at this time.

20 So, gentlemen, we'll be able to proceed with the
21 notice on the form that they have now worked out with
22 ComEd.

1 So thank you very much. Really
2 appreciate it.

3 Item E-3 is Docket No. 11-0672.
4 This is our investigation into MidAmerican Energy
5 Company's compliance with Section 8-101 of the Public
6 Utilities Act. ALJ Jones recommends entry of an Order
7 concluding the investigation.

8 This item will be held for
9 disposition at a future Commission proceeding, but I
10 believe Commissioner McCabe today has some questions
11 for Judge Jones.

12 Commissioner.

13 COMMISSIONER McCABE: Judge Jones, I
14 wondered if you'd just expand a little bit on what the
15 Staff wanted in this -- in this case.

16 JUDGE JONES: Okay. Thank you,
17 Commissioner. Staff made four recommendations in the
18 proceeding. The one that is, I guess, still at issue
19 is a portion of recommendation four, and that is
20 whether MEC should be required with respect to all
21 future OSHA-reportable incidents to conduct its own
22 separate independent investigation of that incident.

1 COMMISSIONER McCABE: And what Staff
2 recommends, would that be in keeping with the practice
3 for other utilities? I don't know if you know that,
4 whether it would be setting a new precedent or policy?

5 JUDGE JONES: At least on MEC side, they
6 claim that adopting the Staff recommendation in full,
7 at least to the extent that the Staff will take it,
8 could have adverse effects on the practices of other
9 utilities with reference to contract review, or I
10 think widespread ramifications was the term that they
11 used, they would say yes.

12 COMMISSIONER McCABE: Okay. Thank you.

13 CHAIRMAN SCOTT: Further questions for the
14 Judge? Thanks, Judge. Okay.

15 JUDGE JONES: Thank you, Mr. Chairman.

16 CHAIRMAN SCOTT: As I indicated, this item
17 will be held for disposition at a future Commission
18 proceeding.

19 Item E-4 is Docket No. 12-0111.
20 This is 401 North Wabash's complaint against ComEd
21 regarding billing/charges. ALJ Kimbrel recommends
22 entry of an Order dismissing the complaint.

1 Is there any discussion?

2 (No response.)

3 Are there any objections?

4 (No response.)

5 Hearing none, the Order is entered, and the
6 complaint is dismissed.

7 Item E-5 is Docket No. 12-0598.

8 This is Ameren Transmission Company of Illinois'
9 Petition for a Certification of Public Convenience and
10 Necessity, pursuant to Section 8-406.1 of the Illinois
11 Public Utilities Act, and an Order pursuant to Section
12 8-503 of the of the Public Utilities Act, to
13 Construct, Operate and Maintain a New High Voltage
14 Electric Service Line and Related Facilities in the
15 counties of Adams, Brown, Cass, Champaign, Christian,
16 Clark, Coles, Edgar, Fulton, Macon, Montgomery,
17 Morgan, Moultrie, Pike, Sangamon, Schuyler, Scott, and
18 Shelby. Four parties, Adams County Property Owners
19 and Tenant Farmers ("ACPO") Morgan, Sangamon & Scott
20 Counties Land Preservation Group ("MSSCLPG") and
21 Champaign/Savoy have requested oral argument which
22 ALJs Albers and Yoder recommend we deny.

1 With respect to oral argument, is
2 there any discussion?

3 (No response.)

4 Is there a motion to deny oral argument?

5 COMMISSIONER COLGAN: So moved.

6 CHAIRMAN SCOTT: Is there a second?

7 COMMISSIONER McCABE: Second.

8 CHAIRMAN SCOTT: It's been moved and
9 seconded.

10 Any discussion?

11 (No response.)

12 All in favor say aye.

13 (A chorus of ayes.)

14 Any opposed?

15 (No response.)

16 The vote is five to nothing, and the
17 request for oral argument is denied.

18 In addition, ALJ Albers and Yoder
19 recommend an entry of post exceptions Order. That
20 Order will be held for disposition at a future
21 Commission proceeding, but Commissioner McCabe has
22 some questions on this matter as well.

1 Commissioner.

2 COMMISSIONER McCABE: Thank you. Good
3 morning.

4 ALJ ALBERS: Good morning.

5 COMMISSIONER McCABE: If we adopt the
6 conclusions in the proposed orders, will ATXI need to
7 come back to the Commission to get a certificate for
8 the unapproved line portions?

9 ALJ ALBERS: Only ATXI did not request
10 rehearing, and the Commission -- and/or the Commission
11 didn't grant rehearing on those issues. Assuming ATXI
12 would request a hearing on that, the Commission could
13 then grant rehearing and we could take care of it
14 then.

15 COMMISSIONER McCABE: Okay.

16 ALJ ALBERS: Again assuming there was
17 nothing in motion.

18 COMMISSIONER McCABE: Does the record
19 indicate if the MZ-K, the Mt. Zion to Kansas route,
20 was studied as part of the MISO process?

21 ALJ ALBERS: That was part of the problem
22 we had generally. We don't know exactly what MISO --

1 what particular routes MISO considered. So no, the
2 record doesn't indicate one way or the other.

3 COMMISSIONER McCABE: Okay. And with
4 regard to the unapproved substations where the
5 remaining issue is often adequate existing space,
6 could Ameren or other intervenors provide more
7 evidence in a petition for the Commission to consider
8 on rehearing if granted?

9 ALJ ALBERS: Yes.

10 COMMISSIONER McCABE: Okay. Thank you.

11 ALJ ALBERS: You're welcome.

12 CHAIRMAN SCOTT: Any other questions for
13 the judges?

14 (No response.)

15 Thank you, gentlemen. As I indicated this
16 item was held for disposition at a future Commission
17 proceeding.

18 Item E-6 is Docket No. 12-0537.
19 This is Ronald Richards' complaint against ComEd as to
20 billing/charges in Lake Villa, Illinois. The parties
21 have apparently settled their differences and have
22 brought a Joint Motion to Dismiss, which ALJ Teague

1 recommends we grant.

2 Is there any discussion?

3 (No response.)

4 Any objections?

5 (No response.)

6 Hearing none, the Joint Motion to Dismiss
7 is granted.

8 Item E-7 is Docket No. 13-0037.

9 This is our citation against Real Energy Solutions for
10 a failure to file its compliance recertification
11 report. Respondent filed its compliance report on
12 January 16, 2013, thus ALJ Baker recommends we dismiss
13 this proceeding.

14 Is there any discussion?

15 (No response.)

16 Any objections?

17 (No response.)

18 Hearing none, the proceeding is dismissed.

19 Item E-8 is Docket 13-0199. This is
20 Michael Flynn's complaint against Ameren as to
21 billing/charges in Danville, Illinois. The parties
22 have apparently settled their differences and have

1 brought a Joint Motion to Dismiss, which ALJ Yoder
2 recommends we grant.

3 Is there any discussion?

4 (No response.)

5 Any objections?

6 (No response.)

7 Hearing none, the Joint Motion to Dismiss
8 is granted.

9 Item E-9 is Docket No. 13-0193.

10 This is AEP Energy's Petition to withdraw its
11 Certificate of Authority to Operate as an Electric
12 ABC. ALJ Baker recommends entry of an Order granting
13 the withdrawal of the certificate.

14 Is there any discussion?

15 (No response.)

16 Are there any objections?

17 (No response.)

18 Hearing none, the order is entered.

19 Item E-10 is Docket 13-0345. This
20 is Amped Up Sales' application for licensure as an
21 agent, broker, and consultant under Section 16-115C of
22 the Public Utilities Act. This item will be held for

1 disposition at a future Commission proceeding.

2 Items E-11 through E-17 can be taken
3 together. These items are applications for licensure
4 as an agent, broker, and consultant under Section
5 16-115C of the Public Utilities Act. In each case ALJ
6 Kimbrel recommends entry of an Order granting the
7 requested certificate.

8 Is there any discussion?

9 (No response.)

10 Are there any objections?

11 (No response.)

12 Hearing none, the Orders are entered.

13 Item E-18 is Docket 13-0425. This
14 is Interstate Gas Supply's application for a
15 Certificate of Service Authority pursuant to Section
16 16-115 of the Public Utilities Act, to operate as an
17 ARES. ALJ Von Qualen recommends entry of an Order
18 granting the requested certificate.

19 Is there any discussion?

20 (No response.)

21 Are there any objections?

22 (No response.)

1 Hearing none, the Order is entered.

2 Items E-19 and 20 can be taken
3 together. These are petitions by IDOT for approval of
4 the taking of certain property owned by ComEd by
5 exercising eminent domain authority. In both cases
6 ALJ Hilliard recommends entry of an Order approving
7 the petition.

8 Is there any discussion?

9 (No response.)

10 Are there any objections?

11 (No response.)

12 Hearing none, the Orders are entered.

13 Item E-21 is Docket No. 13-0428.

14 This is ComEd's petition seeking confidential and/or
15 proprietary treatment of a portion of its annual AMI
16 implementation report. ALJ Sainsot recommends entry
17 of an Order granting this request for a period of five
18 years.

19 Is there any discussion?

20 (No response.)

21 Are there any objections?

22 (No response.)

1 Hearing none, the Order is entered.

2 Turning now to Natural Gas, Item G-1
3 is our initiation of a rulemaking proceeding to adopt
4 emergency rules to implement provisions of Section
5 9-220.3, which became effective on July 5, 2013, and
6 which authorize the Commission to approve tariffs
7 which allow gas utilities to recover the cost of
8 qualified infrastructure investment without seeking a
9 general increase in rates. Staff recommends entry of
10 an Order initiating the rulemaking proceeding,
11 authorizing the first notice period and adopting the
12 emergency rules.

13 Is there any discussion?

14 (No response.)

15 Are there any objections?

16 (No response.)

17 Hearing none, the Orders are entered.

18 Items G-2 and G3 can be taken
19 together. These items concern citation proceedings
20 for alleged violations of the Minimum Safety Standards
21 for Transportation of Gas and for Gas Pipeline
22 Facilities. In both cases Staff recommends entry of

1 an Order initiating the proceeding.

2 Is there any discussion?

3 (No response.)

4 Are there any objections?

5 (No response.)

6 Hearing none, the Orders are entered.

7 Item G-4 is Docket No. 12-0624.

8 This is our citation proceeding against People's Gas
9 for alleged violations of federal rules regarding
10 horizontal directional drilling. ALJ Kimbrel
11 recommends entry of an Order approving the parties'
12 stipulation.

13 Is there any discussion?

14 (No response.)

15 Are there any objections?

16 (No response.)

17 Hearing none, the Order is entered.

18 Item G-5 is Docket No. 13-0351.

19 This is Deborah Thomas Ying's complaint against Nicor
20 as to billing/charges. The parties have apparently
21 settled their differences and have brought a Joint
22 Motion to Dismiss, which ALJ Yoder recommends we

1 grant.

2 Is there any discussion?

3 (No response.)

4 Any objections?

5 (No response.)

6 Hearing none, the Joint Motion to Dismiss
7 is granted.

8 Moving on to Telecommunications,
9 Items T-1 through T-6 can be taken together. These
10 are petitions to abandon or cancel previously granted
11 certifications to perform various telecommunications
12 services in Illinois. In each case ALJ Baker
13 recommends entry of an Order granting the requested
14 relief.

15 Is there any discussion?

16 (No response.)

17 Are there any objections?

18 (No response.)

19 Hearing none, the Orders are entered.

20 Items T-7 and T-8 can be taken
21 together. These are applications for Certificates of
22 Authority to provide telecommunications services

1 pursuant to Sections 13-401, 13-404 and 13-405 of the
2 Public Utilities Act. The final orders
3 unintentionally omitted language granting authority to
4 provide local facilities-based telecommunications
5 services; thus, in both cases ALJ Benn recommends
6 entry of an Amendatory Order granting this authority.

7 Is there any discussion?

8 (No response.)

9 Are there any objections?

10 (No response.)

11 Hearing none, the Amendatory Orders are
12 entered.

13 Item T-9 is Docket No. 13-0400.

14 This is BCN Telecom's petition for a Certificate of
15 Authority to operate as a reseller of
16 telecommunications in Illinois. ALJ Riley recommends
17 entry of an Order granting the requested certificate.

18 Is there any discussion?

19 (No response.)

20 Are there any objections?

21 (No response.)

22 Hearing none, the Order is entered.

1 Item T-10 is Docket No. 12-0550.
2 This is Sprint's Petition for Arbitration pursuant to
3 Section 2529(b) of the Telecommunication Act, to
4 establish an interconnection agreement with Illinois
5 Bell. On July 10th the parties filed an agreed
6 emergency motion to extend the time for filing the
7 final agreement to July 19th. ALJ Jorgenson
8 recommends the Commission grant nunc pro tunc the July
9 10th motion.

10 Is there any discussion?

11 (No response.)

12 Are there any objections to granting the
13 motion?

14 (No response.)

15 Hearing none, the motion is granted.

16 Item T-11 and T-12 can be taken
17 together. These items are applications for
18 designation as an eligible telecommunications carrier
19 in Illinois. In both cases the petitioner has filed a
20 Motion to Withdraw which ALJ Riley recommends we
21 grant.

22 Is there any discussion?

1 (No response.)

2 Are there any objections to granting the
3 motions?

4 (No response.)

5 Hearing none, the Motions to Withdraw are
6 granted.

7 On to water and sewer, Item W-1 is
8 Docket No. 12-0290. This is Forestview Utilities,
9 North Forestview Properties and Central Illinois Land
10 Incorporated's Joint Application for Approval of a
11 Proposed Reorganization. ALJ Von Qualen recommends
12 entry of an Order granting the requested relief.

13 Is there any discussion?

14 (No response.)

15 Are there any objections?

16 (No response.)

17 Hearing none, the Order is entered.

18 We have two Petitions For Rehearing
19 to consider today; Item PR-1 is Docket No. 13-0062.
20 This is Marcia Roa Wyett's complaint against ComEd as
21 to billing/charges. ALJ Benn recommends entry of an
22 Order granting the petition.

1 Is there any discussion?

2 (No response.)

3 Are there any objections?

4 (No response.)

5 Hearing none, the Order for rehearing is
6 granted.

7 Item PR-2 is Docket No. 13-0285.

8 This is our investigation in the ComEd's 2013 Smart
9 Grid Annual Implementation and Progress Report. The
10 Citizen's Utility Board has filed a Petition For
11 Rehearing which ALJs Sainsot and Kimbrel recommend we
12 deny.

13 Is there any discussion?

14 (No response.)

15 Are there any objections to denying
16 rehearing?

17 (No response.)

18 Hearing none, the Order for -- the motion
19 -- the Petition For Rehearing is denied.

20 We have three items of other
21 business to consider today.

22 The first item is our approval of

1 the Report on Telecommunications Markets in Illinois,
2 which will be submitted to the Illinois General
3 Assembly, pursuant to Section 13-407 of the Public
4 Utilities Act.

5 Are there any questions or
6 discussion about the report?

7 (No response.)

8 Are there any objections to submitting the
9 report?

10 (No response.)

11 Hearing none, the Report is accepted.

12 The second and third items of other
13 business are FERC matters concerning pending
14 litigation, so we'll go into closed session to address
15 them.

16 Is there a motion to go into closed
17 session?

18 COMMISSIONER COLGAN: So moved.

19 CHAIRMAN SCOTT: Is there a second?

20 ACTING COMMISSIONER MAYE: Second.

21 CHAIRMAN SCOTT: It's been moved and
22 seconded. All in favor say aye.

1 (A chorus of ayes.)

2 Any opposed?

3 (No response.)

4 The vote is five to nothing. The
5 Commission will now go into closed session. Please
6 let me know when the room is ready in Chicago.

7 (Whereupon, a closed session was had and
8 is transcribed under a separate
9 transcript.)

10

11

12

13

14

15

16

17

18

19

20

21

22

1 (The following proceedings were had in
2 open session:)

3 CHAIRMAN SCOTT: Thank you. In closed
4 session, the Commission discussed the ICC's motion for
5 Leave to Answer and Answer in Response to a Motion
6 filed by Ameren Energy Resources Generating Company,
7 in FERC Docket Nos. ER12-2302-000 and 001.

8 Is there a motion to file the motion
9 with FERC?

10 COMMISSIONER COLGAN: So move.

11 CHAIRMAN SCOTT: Is there a second?

12 COMMISSIONER McCABE: Second.

13 CHAIRMAN SCOTT: It's been moved and
14 seconded. All in favor say aye.

15 (A chorus of ayes.)

16 Any opposed?

17 (No response.)

18 The vote is five to nothing, and the filing
19 will be made with FERC.

20 In closed session, the Commission
21 also discussed the ICC's comments in Response to the
22 System Support Resource Agreement filed by MISO and

1 the Subsequent Complaint filed by Ameren Energy
2 Resource Generating Company, in FERC Docket No.
3 E113-76-000.

4 Is there a motion to file the
5 Comments with FERC?

6 COMMISSIONER COLGAN: So move.

7 CHAIRMAN SCOTT: Is there a second?

8 ACTING COMMISSIONER MAYE: Second.

9 CHAIRMAN SCOTT: It's been moved and
10 seconded. All in favor say aye.

11 (A chorus of ayes.)

12 Any opposed?

13 (No response.)

14 The vote is five to nothing, and the filing
15 will be made with FERC.

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

18 JUDGE WALLACE: No, that's all, Mr.
19 Chairman.

20 CHAIRMAN SCOTT: Thank you, sir. Hearing
21 none, this meeting stands adjourned.

22 Thanks everyone.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

(Which were all the proceedings had
for the Public Utilities agenda.)