

BEFORE THE
ILLINOIS COMMERCE COMMISSION
PUBLIC UTILITY REGULAR OPEN MEETING
Thursday, NOVEMBER 16, 2023
Chicago, Illinois

Met pursuant to notice at 11:30 a.m. at
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 speak; if you wouldn't mind first, please spell your
2 name for the court reporter and then once you're done
3 with that, we can start with your three minutes. Thank
4 you.

5 MS. MOORE: My name is Briana Moore. First name
6 is B-R-I-A-N-A, last name M-O-O-R-E.

7 CHAIRMAN SCOTT: Very good. Begin when you're
8 ready.

9 MS. MOORE: Good morning, Commissioners. As I
10 mentioned my name is Briana Moore and I am the Senior
11 Energy and Conservation Specialist for the local
12 governmental Will County. And today I'm speaking on
13 behalf of the newly elected leadership team of the
14 Income Qualified North low income energy efficiency
15 through community. Our leadership team is comprised of
16 membership from community based organizations both
17 non-profit and public sector. Typically from Crawford
18 and Coal counties like myself. The Chicago Southland,
19 the city of Chicago, and municipal governments across
20 the Chicago metro region. This summer, a number of the
21 community based organizations that make up the IQ north
22 committee, elected our team to lead the group. So we

1 are here to represent and eager to serve diverse and
2 income qualified constituencies across Northern
3 Illinois.

4 To that end we seek your assistance to
5 empower our committee continue fulfill its purpose as
6 articulated in the Climate and Equitable Jobs Act.
7 Since the creation of the IQ North Committee, a couple
8 of years ago inactivity and dysfunction have prevented
9 the committee from hosting inclusive and productive
10 membership meetings with officials to thwart awarding
11 grant funds to conduct effective energy efficiency
12 outreach to income home lead customers. And we need
13 subcommittees to address timely issues like diverse
14 contracting, engagement of citizens of the energy
15 efficiency field and other topics that the committee
16 may privatize. We understand that eligible community
17 based organizations have submitted grant requests to
18 support their community outreach and engagement work
19 since February of 2023.

20 Utility -- have been watching over this
21 important work but there is now evidence that the
22 applications, or the applicants I'm sorry have been

1 notified of the status of their grant funds. And so to
2 that end again our leadership team requests your
3 assistance with these moving these grants forward as
4 well as establishing a supportive facilitation contract
5 to empower the IQN committee. We are grateful for your
6 interest and look forward to discussing in the future.
7 So thank you for your time.

8 CHAIRMAN SCOTT: Thank you, Ms. Moore.

9 This concludes our requests to speak
10 for today.

11 Moving on to our Public Utilities
12 Agenda.

13 There are edits to the October 12th
14 and 25th Public Utility Special Open Meeting Minutes as
15 well as the October 19th Public Utility Regular Open
16 Meeting Minutes.

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

19 (No verbal response)

20 CHAIRMAN SCOTT: Hearing none, the Minutes are
21 approved as edited.

22 Moving on to our Electric items.

1 Items E-1 and E-2 concern filing
2 from ComEd for proposed revisions to its Parallel
3 Operation of Retail Customer Generating Facilities
4 Community Supply Rider (Rider POGCS), and its parallel
5 operation of Retail Customer Generating Facilities With
6 Net Metering Rider (Rider POGNM). Commission Staff
7 recommends not suspending both filings.

8 Are there any objections to considering these
9 items together and not suspending both filings?

10 (No verbal response)

11 CHAIRMAN SCOTT: Hearing none, both filings are
12 not suspended.

13 Item E-3 concerns petitions by Mid
14 American and Mount Carmel to initiate reconciliation
15 proceedings for revenues collected under each company's
16 respective fuel adjustment charge for the 2023 calendar
17 year. The order initiates the reconciliations.

18 Are there any objections to approving the
19 order?

20 (No verbal response)point

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

1 Item E-4 Concerns and Investigation
2 against Realgy Energy regarding its Real Time
3 Settlement (or RTS) charge to its Illinois alternative
4 retail electric supplier and alternative gas supplier
5 customers, the companies solicitation and marketing
6 practices related to these contracts and the company's
7 call center operations for March and April of 2020.
8 The company, CUB, and Commission Staff have filed an
9 unopposed motion for a settlement agreement; the order
10 approves the settlement. The settlement directs Realgy
11 to:

- 12 1. Pay the total sum of \$887,608 to Realgy's current
13 and former residential and small commercial customers
14 assessed the RTS fee;
- 15 2. Pay \$150,000 into the Department of Commerce and
16 Economic Opportunity Supplemental Low Income Home
17 Energy Assistance, (LIHEAP) fund;
- 18 3. Surrender its certificates of authority to operate
19 as an AG'S to serve residential and small commercial
20 customers, and as an ARES.

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 E-5 concerns a petition for
5 confidential treatment of the Petitioners annual Rate
6 report. The order denies the petition, finding that
7 information in the report must be made available to the
8 public.

9 Are there any objections to approving the
10 order?

11 (No verbal response)

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

14 Item E-6 concerns an application for
15 certification to install distributed Generation
16 facilities. The order denies the application, finding
17 that the applicant has not met the requirements.

18 Are there any objections to approving the
19 order?

20 (No verbal response)

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

1 Items E-7 through E-16 concern
2 applications for a certification to operate as an
3 installer of distributed generation facilities in
4 Illinois. The orders grant certificates finding that
5 the applicants meet the requirements

6 Are there any objections to considering these
7 items together and approving the orders?

8 (No verbal response)

9 CHAIRMAN SCOTT: Hearing none, the orders are
10 approved.

11 Item E-17 concerns request for oral
12 argument and Dockets 22-0486 and 23-0055 consolidated
13 which are ComEd's petitions for approval of its Multi-
14 Year Integrated Grid Plan and Multi-Year Rate Plan.
15 ComEd, the AG, PIRG, ICCP, and JSP have submitted
16 requests for oral argument. The Commission is
17 interested in granting all five requests for oral
18 argument in their entirety.

19 Are there any objections to granting the
20 request for oral argument?

21 (No verbal response)

22 CHAIRMAN SCOTT: Hearing none, the requests are

1 approved and a due notice of oral argument will be
2 issued shortly.

3 Item E-18 concerns requests for oral
4 argument in Dockets 22-0487 and 23-0082 consolidated.
5 Which are Ameren's petitions for approval of its Multi-
6 Year Integrated Grid Plan and Multi-Year Rate Plan.
7 Ameren, The AG, and IFCUP have submitted requests for
8 oral argument. The Commission is interested in
9 granting all three requests for oral argument in their
10 entirety

11 Are there any objections to granting the
12 request for oral argument?

13 (No verbal response)

14 CHAIRMAN SCOTT: Hearing none, the requests are
15 approved and a due notice of oral argument will be
16 issued shortly.

17 Item E-19 concerns a petition for
18 mid American to approve the reconciliation of revenues
19 under its fuel adjustment charges for the 2022 calendar
20 year. The order approves the reconciliation finding
21 that the costs were prudently incurred as shown in the
22 appendix to the order.

1 Are there any objections to approving the
2 order?

3 (No verbal response)

4 CHAIRMAN SCOTT: Hearing none, the order is
5 approved.

6 Items E-20 through E-23 concern
7 proceedings for the termination of abandoned ABC
8 licenses for failure to file annual reports, as
9 required by Commission rules and the Public Utilities
10 Act. The orders find that the respondents have filed
11 the missing or incomplete reports and are now in
12 compliance. The orders suspend the respondent's
13 certificates for four months, one year, one month, and
14 one year, respectively.

15 Are there any objections to considering these
16 items together and approving the orders?

17 (No verbal response)

18 CHAIRMAN SCOTT: Hearing none, the orders are
19 approved.

20 Items E-24 and E-25 concern
21 applications for a certification to install, maintain
22 or repair electric vehicle charging station facilities

1 in Illinois. The orders grant the certificates,
2 finding that the applicants meet the 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 Items E-26 and E-27 concern
9 applications for licenses to operate as retail electric
10 agents, brokers, and consultants in Illinois. The
11 orders grant the licenses, finding that the applicants
12 meet the requirements

13 Are there any objections to considering these
14 items together and approving the orders?

15 (No verbal response)

16 CHAIRMAN SCOTT: Hearing none, the orders are
17 approved.

18 Item E-28 concerns the petition to
19 cancel a Certificate of Service Authority to operate as
20 a retail electric agent, broker, or consultant. The
21 Petitioner states that it no longer serves any
22 customers in Illinois and does not intend to do so in

1 the future. The order cancels the certificate and
2 directs the Petitioner to file its part 454 report for
3 the 2023 calendar year within 14 days of the order.

4 Are there any objections to approving the
5 order?

6 (No verbal response)

7 CHAIRMAN SCOTT: Hearing none, the order is
8 approved.

9 Item E-29 concerns Ameren's and
10 Rural Electric Convenience Co-op companies joint
11 petition to release one non-residential customer from
12 Ameren's service territory to Rural Electric
13 Convenience's. The order grants the petition.

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-30 and E-31 concern
20 applications for certifications to install energy
21 efficiency measures in Illinois. The orders grant the
22 certificates finding that the applicants meet the

1 requirements.

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

4 (No verbal response)

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

7 Item G-1 concerns the initiation of
8 reconciliation proceedings for gas adjustment charges
9 for all gas utilities regulated by the Commission. The
10 order initiates the next round of annual reconciliation
11 proceedings for the 2023 calendar year.

12 Are there any objections to approving the
13 order?

14 (No verbal response)

15 CHAIRMAN SCOTT: Hearing none, the order is
16 approved.

17 Item G-2 concerns Nicor Gas petition
18 to reconcile revenues under Rider 30. Nicor Gas
19 recovers energy efficiency and on-bill financing
20 program costs via Rider 30. The order approves the
21 reconciliation as set in the appendix to the order,
22 finding that the cost during the reconciliation period

1 were prudently incurred.

2 Are there any objections to approving the
3 order?

4 (No verbal response)

5 CHAIRMAN SCOTT: Hearing none, the order is
6 approved.

7 Item G-3 concerns, MidAmerican's
8 request to reconcile revenues under its Purchased Gas
9 Adjustment Clause for the 2022 calendar year. The
10 order approves the reconciliation as set in the
11 appendix to the order, finding that the costs during
12 the reconciliation period were prudently incurred.

13 Are there any objections to approving the
14 order?

15 (No verbal response)

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

18 Item G-4 concerns Docket 23-0066 which
19 is Nicor's petition for a proposed general Increase in
20 rates and revisions to other terms and conditions of
21 service.

22 There are 2 matters to address in this docket.

1 the order which I will go through individually.

2 First, the order establishes a legal standard
3 that clarifies the utility's statutory burden of proof
4 always remains with the utility and that the burden
5 shifted to the interveners in this case is the burden
6 of production. The edits also address the AG's
7 argument that Article 1 of the Act requires the
8 Commission to apply a least-cost standard. Edits to
9 the Legal Standard section confirm that Section 1-102
10 of the Act does not require the Commission to perform a
11 standalone least-cost analysis in ratemaking. The
12 edits note, however, that Article 2 of the Act does
13 guide the Commission when interpreting and implementing
14 the Statute. Accordingly, the edits consider the
15 relative costs of alternatives when determining whether
16 costs and rates are just and reasonable, and whether an
17 investment is prudent and used and useful.

18 Second, the edits adopt the AG's proposed
19 disallowance of \$55.1M in distribution capital
20 additions from Nicor gas, proposed "other mains" and
21 "other services" spend categories, which represents a
22 33 percent reduction to the 2023 and 2024 distribution

1 capital budgets. The edits find that Nicor failed to
2 demonstrate that these investments are prudently
3 incurred given Nicor's accomplishment in replacing
4 PHMSA designated leak prone pipe materials under its
5 QIP regime. Specifically, the edits find that
6 continued replacement at an accelerated pace is no
7 longer warranted to address safety and reliability
8 issues following years of upgrades made pursuant to
9 Rider QIP.

10 Third, the edits adopt the AG's and PIO
11 \$28.4M disallowance of Nicor's Transmission Capital
12 Projects based on the AG's benchmark analysis. The
13 edits find that Nicor failed to justify the significant
14 cost overruns for four of their eight proposed
15 transmission pipeline projects. The edits further find
16 that Nicor failed to demonstrate why the use of the
17 AG's benchmark was inappropriate and failed to provide
18 evidence to justify why these costs exceeded the AG's
19 benchmark.

20 Fourth, the edits adopt the AG and PIO's
21 disallowance of \$43.3M to Nicor's Maximum Allowable
22 Operating Pressure (MAOP) reconfirmation costs for the

1 2024 test year. The edits further find that Nicor's
2 MAOP compliance does not include an annual portfolio of
3 scheduled work and that the remainder of the
4 reconfirmation work in is in development. The edits
5 recognize that Nicor must complete this work to comply
6 with PHSMA standards and thus direct Nicor to develop
7 and file a MAOP and records compliance plan.

8 Fifth, The edits adopt a return on common
9 equity, or (ROE), of 9.51 percent. The edits adopt
10 Commission Staff's methodology in part, with the
11 notable exception of a change to Staff's Capital Asset
12 Pricing Model, (CAPM). The edits adopt the IIEC/CUB/
13 CDC-PHP's forward-looking market return of 11.71 % to
14 establish a revised CAPM of 10.21 percent. When
15 averaged with Staff's Discount Cash Flow (DCF) model,
16 the edits produce an ROE of 9.51 percent. This change
17 in ROE is in conjunction with the proposed orders
18 adopted capital structure, results in an overall rate
19 of return on rate base of 6.68 percent.

20 Sixth, the edits adopt a modified residential
21 rate design and direct the company to recover 50
22 percent of its residential revenue requirement through

1 its fixed customer Charge. The edits find that a high
2 fixed charge is inconsistent with the state's goals of
3 clean energy and affordability, and find that limiting
4 the fixed charge encourages energy efficiency.

5 Seventh, The edits adopt LAC-COFI's low
6 Income Discount rate proposal. Specifically, the edits
7 Adopt LAC-COFI's tiered whole bill discount. The edits
8 note that LAC-COFI's proposal is the only proposal in
9 this Docket that included a specific assessment of the
10 affordability of Nicor gas rates both before and after
11 the company's proposed rate increase.

12 The edits further find that only LAC-COFI's proposal
13 will provide all customers whose income falls at or
14 below 300 percent of the federal poverty level, (FPL)
15 to, or nearly to, a gas bill burden of 3 percent of
16 household income; the reigning measure for
17 affordability pursuant to Illinois Percentage of Income
18 Payment Plan (PIPP). The edits direct Nicor to
19 implement the program on or before October 1st, 2024
20 and direct the company to file a final estimated
21 timeline to make the necessary changes to its system to
22 meet the October 1, deadline on or before 60 days after

1 the final order.

2 The company must submit implementation
3 updates to Commission Staff every three months until
4 implementation is completed. Further, the company is
5 required to develop a report one year after the
6 implementation of the program that provides information
7 on several topics.

8 The edits direct Staff to initiate workshops
9 no later than January 15th, 2026, to address issues
10 raised by parties in this docket and to review the
11 company's annual report. Within 60 days of completion
12 of the workshops, Staff must submit a report to the
13 Commission, synthesizing the workshops and recommending
14 any steps that Commission or the company should take
15 going forward.

16 The edits adopt Staff's proposal to recover
17 costs of the program through a separate line item on
18 customer bills using the acronym "RIDER LDA". The
19 discount credit will be presented on eligible customers
20 bills as a line item titled Low-Income Discount Credit.
21 Costs from this program will be collected through an
22 annual reconciliation process. Nicor is also directed

1 to track and evaluate reduced administrative and
2 customer costs following implementation, including
3 credit/collections and uncollectibles.

4 Eighth, the edits direct Nicor to file a work
5 plan no later than 12 months prior to the due date of
6 the infrastructure plan that outlines at a minimum:
7 1) Commission every 2 years beginning on July 1st,
8 2025. The edits find that Nicor likely engages in
9 internal planning that would benefit the Commission and
10 stakeholders in future rate cases when determining if
11 capital investments are both prudent and useful and
12 useful. Notably, in light of electrification trends
13 and the state's clean energy goals, the edits find that
14 Nicor's capital spending merits careful consideration
15 and future rate cases with transparent data currently
16 not found in this record.

17 Further, the edits direct Nicor to file a
18 work plan no later than 12 months prior to the due date
19 of the infrastructure plan that outlines, at a minimum:
20 1) The content of the plan;
21 2) The method for assessing potential resources;
22 3), the timing and extent of public participation.

1 Further, the edits find the company's
2 response to Commissioner Question Four in the record to
3 be insufficient. Nicor Gas does not explain how
4 uncertainties prevented it from doing work to account
5 for the impacts of electrification on its business and
6 customers. Nicor Gas appears unwilling at this time to
7 factor electrification scenarios into its
8 infrastructure planning.

9 Last, the edits initiate a future of gas
10 proceeding. The edits find that many parties in this
11 Docket have raised issues that the Commission is unable
12 to address in this rate case. Many of these proposals
13 also merit discussion and input from parties that are
14 not present in this Docket. As the State embarks on a
15 journey to achieving 100 percent clean energy economy,
16 the gas system's operations will not continue to exist
17 in its current form. The Commission therefore must
18 work with stakeholders, utilities, and Commission Staff
19 to identify how the gas system can change to meet the
20 State's clean energy goals, what specific actions
21 should be taken to achieve them, and how those changes
22 affect energy systems in the State; for both electric

1 and gas systems. The edits direct Commission Staff to
2 develop a future of gas proceeding in the form of an
3 initiating order that will include a timeline for
4 workshops and a formal proceeding.

5 I move the edits, is there a second?

6 COMMISSIONER REDDICK: Second.

7 CHAIRMAN SCOTT: Second by Commissioner Reddick.

8 Are there any objections to approving the
9 edits?

10 (No verbal response)

11 CHAIRMAN SCOTT: Hearing none, the edits are
12 approved.

13 Are there any objections to approving the
14 order as edited?

15 (No verbal response)

16 CHAIRMAN SCOTT: Hearing none, the order is
17 approved as edited.

18 Item G-5 concerns Docket
19 23-0067, which is Ameren Illinois Proposed general
20 increase in rates and revisions to other terms and
21 conditions of service. The order approves the rate
22 increase based on adjustments specified in the appendix

1 to the order.

2 There are substantive Edits to the order.

3 First, similar to Docket 23-0066, the order
4 establishes a legal standard that clarifies the utility
5 statutory burden of proof. At its clarify that the
6 statutory burden of proof always stays with the
7 utility. The edits also addressed the AG's argument
8 that Article One of the Act requires the Commission to
9 apply a lease cost standard. Section 1-102 of the
10 Public Utilities Act does not require the Commission to
11 perform a standalone lease cost analysis and rate
12 making, the Commission notes. However, that Article,
13 one of the Act, does guide the Commission when
14 interpreting and implementing the Statute Accordingly,
15 the Commission considers the relative cost of
16 alternatives when determining whether costs and rates
17 are just and reasonable and whether an investment is
18 prudent and used and useful.

19 Second, the edits urge Ameren to quickly
20 implement the in-house locate pilot program recommended
21 by Staff, through which a group of in-house employees
22 will conduct 10 percent of locate requests and improve

1 responses to requests for identifying underground
2 facilities.

3 Third, the edits adopt the AG's \$45.5M or 33
4 percent disallowance to the company's proposed
5 distribution plant capital investment. The edits find
6 that Ameren already had little leak-prone pipe
7 materials in its system. The company used its QIP
8 rider to extensively replace mechanically-coupled steel
9 (MCS) pipes in its system. The edits agree with the AG
10 that the company has removed the riskiest MCS pipes and
11 is now proposing continued accelerated replacement of
12 less risky MCS pipe. The edits find that the continued
13 accelerated replacement of MCS is not warranted, given
14 that these lower risk pipes fail at known rates. The
15 edits further agree with the AG that the company did
16 not identify or describe specific individual MCS
17 replacement projects in testimony and therefore
18 inhibits the Commission from making an analysis of
19 specific projects. The burden is on the utility to
20 prove that it's costs are reasonable and prudent and
21 must provide evidence demonstrating why.

22 Fourth, the edits adopt the AG's disallowance

1 of 75% of Ameren's Maximum Allowable Operating Pressure
2 (MAOP) reconfirmation investments, resulting in a
3 \$47.51M revenue requirement decrease for the 2024 test
4 year. The edits recognize that the company must
5 perform MAOP reconfirmation to comply with PHMSA
6 requirements. However, the information provided by
7 Enron for its additions to transmission plant for MAOP
8 reconfirmation does not enable the Commission, Staff,
9 or stakeholders to recreate, verify or assess the
10 company's analysis. The edits find that an MAOP
11 compliance plan will assist the Commission in assessing
12 whether Ameren is considering all options recognized by
13 PHMSA when pursuing MAOP reconfirmation work.

14 Fifth, as discussed in Docket 23-0066
15 previously, the Commission adopts a future of gas
16 proceeding.

17 Sixth, similar to Docket 23-0066 describe
18 previously, the edits direct the company to file an
19 infrastructure plan with the Commission every two years
20 beginning on July 1st, 2025. The edits similarly
21 direct amount to file a work plan with the Commission
22 12 months prior to the due date of the long-term Gas

1 infrastructure plan. The edits further find that the
2 company's response to Commissioner Question four in the
3 record to be insufficient. The company's EPRI report
4 notes that in AIC service territory, customers will use
5 19 to 40 percent less natural gas over the next 25
6 years. AIC does not sufficiently explain how
7 uncertainties prevented it from incorporating the
8 impacts of electrification on its business and
9 customers.

10 Seventh, the edits adopt Staff's
11 modifications to the company's proposed intermediary
12 customer Assistance program, as the company develops
13 supplemental Arrearage program. The edits approved the
14 recovery of \$500,000 in ratepayer funds on the
15 condition that Ameren will voluntarily contribute
16 \$500,000 in shareholder funds. The edits recognize the
17 parameters and record keeping for the program must be
18 refined to maximize its effectiveness. Thus, the edits
19 direct Ameren to take a collaborative approach to
20 program development with Staff and interested
21 stakeholders.

22 Eighth, the edits adopt a return on common

1 equity (ROE) of 9.44 percent. The edits adopt Staff's
2 methodology in part. The edits adopt FERC's
3 methodology for estimating a forward-looking market
4 return through a constant growth DCF model applied to
5 the dividend-paying company of the S&P 500. This
6 methodology results in a forward-looking market return
7 of 10.79 percent. The number lowers the results of
8 Staff's CAPM estimate. When averaged with Staff's
9 constant DCF, the resulting figure is an ROE of 9.44
10 percent which the edits find as a reasonable return For
11 the company to attract capital. The revised ROE
12 results in an overall rate of return of 6.846 percent.

13 Ninth, the edits direct Ameren to collect
14 43.9 percent of its residential revenue requirement
15 through its GDS-1 customer charge. Similar to Docket
16 23-0066, the edits find that a high fixed charge here
17 is inconsistent with the state's goals of clean energy
18 and affordability, and find that limiting the fixed
19 charge encourages and energy efficiency.

20 Tenth, similar to Docket 23-0066, the edits
21 adopt the AG's five-tier low income discount rate that
22 will provide a credit to eligible Ameren customers'

1 whole bill and directs Ameren to implement it by
2 October 1st, 2024. The edits direct Staff to work with
3 the company and stakeholders to commence workshops to
4 further consider the questions raised in this Docket
5 and the Low-Income Report. Ameren is also directed to
6 track and evaluate reduced administrative and customer
7 costs following implementation, including
8 credit/collections and uncollectibles.

9 With that, I move the edits. Is there a
10 second?

11 COMMISSIONER MCCABE: Second.

12 CHAIRMAN SCOTT: Second by Commissioner McCabe.

13 Are there any objections to approving the edits?

14 (No verbal response)

15 CHAIRMAN SCOTT: Hearing none, the edits are
16 approved.

17 Are there any objections to approving the order
18 as edited?

19 (No verbal response)

20 CHAIRMAN SCOTT: Hearing none, the order is
21 approved as edited.

22 Item G-6 concerns Dockets

1 23-0068 and 23-0069 consolidated which are Peoples Gas
2 and North Shores' proposed general increase in rates
3 and revisions to other terms and conditions of service.
4 The order approves the rate increase based on
5 adjustments specified in the appendix to the order.

6 There are substantive edits to the order.

7 First, the edits adopt similar legal
8 standards, clarifications as in Docket 23-0066 and
9 23-0067, that address issues relating to burden of
10 proof and a least-cost standard. Edits to the legal
11 standard in this docket also distinguished between
12 "preponderance of the evidence" and "substantial
13 evidence?". "Preponderance of the evidence" is the
14 standard of proof, and "substantial evidence" is the
15 standard of review.

16 Second, the edits find that Peoples Gas has
17 not justified continuation of QIP-level spending for
18 its System Modernization Program, referred to as SMP,
19 and disallows \$265M from the 2024 test year. The edits
20 further find that the company offered inadequate record
21 evidence for this level of spending to prudently
22 accomplish SMP's primary objective, which according to

1 the record is to replace all cast iron and ductile iron
2 pipeline.

3 The 2024 SMP test year disallowance is not
4 intended to remove any funding from PGL related to
5 emergency response to leaks, pipe breaks, or other
6 critically important safety measures. The edits
7 reiterate the expectation that Peoples Gas continues to
8 address existing and new leaks as it would in the
9 normal course of prioritizing customer safety.

10 The edits order a new investigation of SMP
11 and pauses approval of SMP spending until the
12 Commission can determine the optimal method to replace
13 high risk pipe, and the prudent investment level needed
14 to support this effort. Given the urgent need to
15 replace high risk pipe, the time and costs already
16 incurred through SMP, and the sunset of QIP, the
17 Commission will reexamine how the company's
18 neighborhood approach prioritizes high risk pipe
19 retirement. The edits direct the company to reconsider
20 its priorities and provide more detailed, disaggregated
21 cost information in the SMP proceeding to enable the
22 Commission to determine that reasonableness and

1 prudence of the company's next iteration of the SMP.
2 The edits direct Staff to assist the Commission in
3 initiating a proceeding by February 1st, 2024, which
4 should not exceed 12 months.

5 Third, the edits adopt a disallowance of
6 \$1.689M for North Shores Clavey Road Phase II project.
7 The AG demonstrated a 68 percent cost variance between
8 the budgeted and actual costs incurred for the project.
9 North Shore used its \$592,000 budgeted contingency and
10 incurred nearly \$1M in overages, bringing the total
11 cost of the project to \$3.82M. The edits find that
12 North Shore did not provide the timeline of the
13 project, project design, permit review milestone dates,
14 or description or dates of the alleged changes or
15 errors, to justify its assertion that the additional
16 costs were unavoidable, unforeseen, and out of the
17 company's control. The edits find that the company
18 must provide sufficient evidence to prove its actions
19 and decision making where prudent.

20 Fourth, the edits adopt a \$236.2M
21 disallowance to Peoples Gas proposed cost for its shops
22 and related facilities. The edits find that Peoples

1 Gas failed to take reasonable steps to prove that the
2 costs associated with its shops investments identified
3 by interveners were prudently incurred. The edits
4 further find that Peoples evidence in the record was
5 insufficient to demonstrate that the company considered
6 other viable alternatives to demolishing existing shops
7 and building new facilities. They find the company
8 also failed to demonstrate that the magnitude of the
9 investments represent a reasonable use of ratepayer
10 funds.

11 Fifth, the edits direct both companies to
12 annually report leaks by grade, cause, and facility
13 type. The edits further direct North Shore to
14 formalize and file an MAOP plan similar to those
15 described in Dockets 23-0066 and 23-0067.

16 Sixth, as discussed in Dockets 23-0066 and
17 23-0067, the edits direct the companies to file
18 biennial long term infrastructure plans beginning on
19 July 1st, 2025. The edits further acknowledge the
20 companies' responses to Commissioner Question Four in
21 the record insufficiently answered the Commission and
22 signaled that they are not currently working towards

1 the electrification goals of the state. Neither
2 company sufficiently explains how uncertainties
3 prevented it from analyzing and considering the impacts
4 of electrification on its business and customers.

5 Seventh, as discussed in Dockets 23-0066 and
6 23-0067, the edits establish a future of gas
7 proceeding.

8 Eighth, the edits adopt the AG's rate case
9 expense disallowance of \$1.401M for North Shore and
10 \$172,000 for Peoples Gas. The edits find that the
11 companies' rate case expense as filed do not comply
12 with the Commission's rules or with Section 9-229 of
13 the Act. The information redacted in the confidential
14 Exhibits fails to comply with part 288.100(a). The
15 edits find that Staff and intervenors should be able to
16 carefully consider utility rate case expense, including
17 hourly rates and hours worked on similar topics, as
18 these costs are ultimately paid for by ratepayers.

19 Ninth, the edits adopt a return on common
20 equity of 9.38 percent for both companies based on the
21 same methodology described in Docket 23-0067. This
22 results in an overall rate of return of 6.96 percent

1 for North Shore and 6.65 percent for Peoples. The
2 edits find this ROE to be sufficient to allow the
3 companies to attract capital while charging reasonable
4 rates.

5 Tenth, the edits direct Peoples to recover
6 39.06 percent of its residential heating revenue
7 requirement through the fixed customer charge and 62.28
8 percent for its residential non-heating revenue
9 requirement. These percentages represent the amount
10 Peoples Gas' current fixed customer charges for
11 residential heating customers, \$30.84, and residential
12 non-heating customers \$16.37, would recover as a
13 proportion of Peoples Gas Proposed residential revenue
14 requirement. In the context of the overall revenue
15 requirement decreased from these edits, the edits find
16 this percentage to be a reasonable approach to
17 establishing a customer fixed charge that promotes
18 energy efficiency goals and mitigates costs to
19 low-income customers. The edits further direct North
20 Shore to collect 50 percent of its residential heating
21 revenue requirement And 70 percent of its residential
22 non-heating requirement through the fixed customer

1 charge.

2 Eleventh, the edits adopt LAC-COFI's
3 five-tier low-income discount rate that will provide a
4 credit to eligible Peoples and North Shore customers'
5 whole bills and directs the companies to implement it
6 by October 1st, 2024. This program included a specific
7 assessment for the of the affordability of the
8 companies rates and an analysis of the level of
9 discount needed to assist the company's financially
10 struggling customers to better afford their monthly
11 bills. The edits direct Staff to work with the company
12 and stakeholders to commence workshops to further
13 consider the questions raised in this docket and the
14 low-Income report. The companies are also directed to
15 track, evaluate, and leverage reduced administrative
16 and customer costs following implementation, including
17 credit collections and uncollectibles.

18 Twelfth, the edits reject Peoples request to
19 transition from a monthly fixed service charge to a
20 daily fixed service charge. The edits also direct
21 North shore to revert to a monthly charge. The edits
22 find that the Commission has a duty to ensure that the

1 public understands the rates charged by utilities
2 adding additional complexity to customer's bills when
3 Peoples Gas admits that these changes will not affect
4 revenue, is unjustified.

5 I move the edits, is there a second?

6 COMMISSIONER PARADIS: Second.

7 CHAIRMAN SCOTT: Second by Commissioner Paradis.

8 Are there any objections to approving the
9 edits?

10 (No verbal response)

11 CHAIRMAN SCOTT: Hearing none, the edits are
12 approved.

13 Are there any objections to approving the
14 order as edited.

15 (No verbal response)

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

18 Before we continue the agenda, are
19 there any comments from Commissioners?

20 COMMISSIONER MCCABE: This has been an
21 unprecedented year for major Dockets and the
22 significant work of Staff and all parties is recognized

1 and greatly appreciated.

2 First, in the Peoples case, I do not support
3 full disallowance of the shops, but found the record
4 insufficient for a different outcome and support the
5 final order.

6 Second, In April of this year, the
7 Commissioners submitted questions to the three gas rate
8 case dockets. We did so, in my words, to address
9 issues raised by the changing energy mix and the
10 state's clean energy goals, and to build a fuller
11 record. Their responses varied in the level of
12 engagement, Especially related to questions on
13 electrification and Peoples SMP or system modernization
14 program.

15 Many of the Exhibits and briefs in these
16 Dockets will be a good platform for the future of gas,
17 proceeding to inform future investments and policies.
18 A robust process will be important to discussion of
19 issues such as line extension, non-pipe alternatives
20 and stranded assets.

21 The importance of maintaining the gas
22 system's safety and reliability, and meeting federal

1 standards, goes without saying and is supported by
2 these orders. Thank you.

3 COMMISSIONER PARADIS: For Peoples Gas, I want to
4 reaffirm the Chair's overview of the order. The system
5 Modernization program test year disallowance and pause
6 for reexamination are not intended to remove any
7 funding from Peoples Gas related to emergency response
8 to leaks, pipe breaks, or other critically important
9 safety measures. The company will continue to address
10 existing and new leaks as it would in the normal course
11 of prioritizing customer safety.

12 The pause and investigation are also about
13 safety. Looking at all activities under SMP, removing
14 the oldest, least safe pipe is the highest priority
15 according to the expertise in this record. Other
16 modernizing activities under SMP appear to be slowing
17 that work. It's important we reexamine SMP to ensure
18 we prioritize customer safety most of all.

19 Second, related to the low income discount
20 rate that has been established for each of the gas
21 utilities.

22 For many households across Illinois, utility

1 rates were unaffordable before these cases came to us.
2 Today's decision will result in rate increases across
3 these four utility territories. But importantly, the
4 new low-income discount rate is a meaningful tool to
5 assist eligible households, providing a percentage
6 discount needed to lower their energy burden so
7 customers can afford their monthly bills. I encourage
8 low and fixed income customers to sign up for LIHEAP,
9 the Low Income Home Energy Assistance Program through
10 the Illinois Department of Commerce and Economic
11 Opportunity, to receive support to pay their utility
12 bills going into the winter. LIHEAP eligibility will
13 also qualify customers to receive the low income
14 discount rate.

15 Another important note is that these discount
16 rates should also lower utility costs tied to
17 collections, disconnections, and on collectibles.
18 Today's decision will ensure utilities account for
19 these benefits and reconciling the discount rate
20 programs.

21 CHAIRMAN SCOTT: I have a couple of points I
22 would like to make before we continue.

1 First, I want to acknowledge that the
2 decisions made in the three rate cases just listed
3 represent the product of an 11 month process that
4 consisted of thousands of pages of documents that were
5 scrutinized by the utilities, the interveners, and the
6 Commission. The decisions in these Dockets were made
7 as a result of information or lack of information in
8 certain instances that existed in the record of each
9 docket. The Commission emphasizes the need for a
10 robust and complete record to ensure decisions that
11 balance the needs of utilities to provide ratepayers
12 the safe and reliable gas system at a cost effective
13 and transparent manner.

14 Second, regarding the future of gas
15 proceeding initiated in these orders, the Commission
16 recognizes that the gas system as it exists today will
17 change as the clean energy transition progresses. The
18 aim of this 2-step proceeding will help to inform the
19 Commission, and the state generally, on how to analyze
20 and invest in existing and new natural gas
21 infrastructure going forward. The Commission seeks to
22 develop a robust record from a diverse group of

1 stakeholders to help it understand how to consider all
2 relevant factors when regulating the state's natural
3 gas systems. The Commission's goal is that the
4 workshops followed by a formal Docket in the Future of
5 Gas proceeding will allow for all interested and
6 affected parties to engage with the Commission in some
7 capacity and allow the Commission to make informed
8 decisions in the future. The future of gas proceeding
9 is intended to be conducted alongside any other state
10 planning processes examining similar or related issues.
11 Finally, advisors, colleagues, Staff, extraordinary
12 work, appreciated.

13 Item G-7 concerns the petition from
14 Nicor for consent to amend and restate a tax allocation
15 agreement to which affiliated interests and are
16 parties. The order grants the petition finding that
17 the revised tax agreement is in the public interest.

18 Are there any objections to approving the
19 order?

20 (No verbal response)

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

1 Moving on to our Telecommunication
2 items.

3 Item T-1 concerns the petition to
4 reopen and extend the schedule to reexamine the
5 Illinois Universal Fund IUSF by the Illinois Rural
6 Broadband Association in Docket 16-0378. The Order
7 reopens the record and extends the timeline to
8 reexamine the IUSF to July 31st, 2028.

9 Are there any objections to approving the
10 order?

11 (No verbal response)

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

14 Item T-2 concerns the request for
15 confidential treatment of the Petitioners 2021 Annual
16 Report. The order grants the protection, finding that
17 the information is highly proprietary and confidential.

18 Are there any objections to approving the
19 order?

20 (No verbal response)point

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

1 Item T-3 concerns a request to
2 cancel an interexchange certificate to operate in
3 Illinois. The order cancels the certificate, finding
4 that the cancellation will not deprive any Illinois
5 customers of necessary telecommunication services and
6 is not otherwise contrary to the public interest.

7 Are there any objections to approving the
8 order?

9 (No verbal response)

10 CHAIRMAN SCOTT: Hearing none, the order is
11 approved.

12 Item T-4 concerns a petition from
13 Universal Telephone Assistance Corporation regarding
14 the amount and form of supplemental assistance that can
15 be provided by local exchange carriers to eligible new
16 subscribers. The order grants the petition.

17 Are there any objections to approving the
18 order?

19 (No verbal response)

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

22 Item T-5 concerns an application for

1 Certificate of Wireless Authority to operate as a
2 reseller of telecommunication services throughout
3 Illinois. The order grants the certificate, finding
4 that the applicant meets the requirements.

5 Are there any objections to approving the
6 order?

7 (No verbal response)

8 CHAIRMAN SCOTT: Hearing none, the order is
9 approved.

10 Moving on to our Miscellaneous
11 items.

12 Item M-1 concerns the initiation of
13 a proceeding to consider adoption of revised energy
14 efficiency policy documents. Staff recommends that the
15 Commission initiate A proceeding to consider the
16 adoption of the policy document for the Illinois
17 Statewide Technical Reference Manual for Energy
18 Efficiency Version 4.0, and the Illinois Energy
19 Efficiency Policy Manual Version 3.0. To proceed in an
20 expeditious manner, Staff also recommends that
21 initiating order adopt a schedule for the first steps
22 of the proceeding with Staff's verified comments due on

1 November 23rd, 2023 and any responses to Staff's
2 comments do a week later on November 30th, 2023. The
3 Order initiates the proceeding with Staff's proposed
4 timeline.

5 Are there any objections to approving the
6 order?

7 (No verbal response)

8 CHAIRMAN SCOTT: Hearing none, the order is
9 approved.

10 Item M-2 Concerns a motion to
11 withdraw from Navigator Heartland Greenway. Navigator
12 states that it has elected to reassess the route and
13 other aspects of the pipeline system with the intent to
14 reinitiate Illinois permitting when its evaluation is
15 complete. The ALJ recommends granting the motion and
16 dismissing the matter without prejudice.

17 Are there any objections to granting the
18 motion to withdraw and dismissing the matter without
19 prejudice?

20 (No verbal response)

21 CHAIRMAN SCOTT: Hearing none, the order is
22 granted and the matter is dismissed without prejudice.

1 Moving on to other business.

2 Item 0-1 concerns approval of
3 batches, contracts, and confirmations under the
4 Illinois Adjustable Block program.

5 Are there any objections to approving the
6 program administrator submissions?

7 (No verbal response)

8 CHAIRMAN SCOTT: Hearing none, the submissions
9 are approved.

10 Item 0-2 concerns December 2023
11 solicitation of bids to sell standard energy products
12 to Ameren, ComEd, and MidAmerican.

13 Are there any objections to approving the
14 procurement administrator's benchmark methodology?

15 (No verbal response)

16 CHAIRMAN SCOTT: Hearing none, the methodology is
17 approved.

18 Item 0-3 concerns approval of
19 batches, contracts, and confirmations under the
20 Illinois Solar For All program.

21 Are there any objections to approving the
22 program administrator submissions?

1 (No verbal response)

2 CHAIRMAN SCOTT: Hearing none, the submissions
3 are approved.

4 Item 0-4 concerns the vote to
5 approve recommendations from Staff for the services of
6 an independent consultant to assist and support the ICC
7 in investigating the value of and compensation for
8 distributed energy resources. Staff also seeks to
9 authorize the Executive Director to enter into
10 contracts with Energy and Environmental Economics, the
11 selected entity for the investigation.

12 Are there any objections to approving Staff
13 recommendations?

14 (No verbal response)

15 CHAIRMAN SCOTT: Hearing none, Staff's
16 recommendations are approved.

17 Item 0-5 concerns the contract for a
18 new executive director of the Commission. We will be
19 holding this item for further disposition.

20 This concludes our agenda.

21 Judge Teague Kingsley, do we have any other
22 matters to come before the Commission today?

1 JUDGE KINGSLEY: No, Mr. Chairman.

2 CHAIRMAN SCOTT: Do the Commissioners have any
3 other business to discuss?

4 (No verbal response)

5 CHAIRMAN SCOTT: If there are no further comments
6 and without objections, this meeting is adjourned.
7 Thank you.

8 (Which were all the proceedings had in
9 the above-entitled cause on this date)

10 STATE OF ILLINOIS)

) SS:

11 COUNTY OF COOK)

12

13 I, Michael Marciniak, CER, Notary Public,
14 electronic reporter doing business in the State of
15 Illinois; reported the proceedings that were held on
16 the date, time and place set out on the title page
17 hereof; and that the foregoing is a true and correct
18 transcript of report of proceedings so taken aforesaid.

19 I further certify that I AM not related
20 to any of the parties, and I have no financial interest
21 in the outcome of this matter. Michael Marciniak

22

MICHAEL MARCINIAK



Magna

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A			
abandoned	32:8 39:8 40:9	9:15 10:7 18:20 26:9	10:7 24:19 25:19
11:7	addressed	26:15 33:7	26:6 27:12 28:15,19
ABC	16:9 25:7	agenda	29:13,22 30:1,5
11:7	adjourned	5:12 38:18 49:20	48:12
able	50:6	agent	Ameren's
35:15	Adjustable	12:20	10:5 13:9,12 27:1
above-entitled	48:4	agents	American
50:9	adjustment	12:10	6:14 10:18
accelerated	6:16 10:19 14:8 15:9	ago	amount
18:6 26:11,13	adjustments	4:8	27:21 36:9 45:14
accomplish	16:20 24:22 31:5	agree	analysis
31:22	administrative	26:9,15	17:11 18:12 25:11
accomplishment	2:17 22:1 30:6 37:15	agreement	26:18 27:10 37:8
18:3	administrator	7:9 43:15,17	analyze
account	48:6,22	AG's	42:19
23:4 41:18	administrator's	7:19 17:6,18 18:10	analyzing
achieve	48:14	18:12,17,18 25:7	35:3
23:21	admits	26:3,22 29:21 35:8	ANN
achieving	38:3	AIC	1:18
23:15	adopt	28:4,6	annual
acknowledge	17:18 18:10,20 19:8	aim	8:5 11:8 14:10 19:2
34:19 42:1	19:9,12,20 20:5,7	42:18	21:11,22 44:15
acronym	21:16 26:3,22 28:10	ALJ	annually
21:18	28:22 29:1,2,21	47:15	34:12
Act	31:7 33:5,20 35:8	ALJ's	answered
2:1 4:6 11:10 17:7,10	35:19 37:2 46:21	16:6	34:21
17:12 25:8,10,13	adopted	alleged	appear
35:13	19:18	33:14	40:16
actions	adoption	allocation	appears
23:20 33:18	46:13,16	43:14	23:6
activities	adopts	allow	appendix
40:13,16	27:15	36:2 43:5,7	10:22 14:21 15:11
actual	advisors	Allowable	16:20 24:22 31:5
33:8	43:11	18:21 27:1	applicant
adding	affect	allowed	8:17 46:4
38:2	23:22 38:3	2:18	applicants
additional	affiliated	alongside	4:22 9:5 12:2,11
33:15 38:2	43:15	43:9	13:22
additions	afford	alternative	application
17:20 27:7	37:10 41:7	7:3,4	8:14,16 45:22
address	affordability	alternatives	applications
2:18 4:13 15:22	20:3,10,17 29:18	17:15 25:16 34:6	4:22 9:2 11:21 12:9
16:17 17:6 18:7	37:7	39:19	13:20
21:9 23:12 31:9	aforsaid	amend	applied
	50:18	43:14	29:4
	AG	Ameren	apply

17:8 25:9	articulated	balance	12:20
appreciated	4:6	42:11	brokers
39:1 43:12	aspects	base	12:10
approach	47:13	19:19	budgeted
28:19 32:18 36:16	assertion	based	33:8,9
approval	33:15	3:16,21 4:17 16:20	budgets
9:13 10:5 32:11 48:2	assess	18:12 24:22 31:4	18:1
48:18	27:9	35:20	build
approve	assessed	batches	39:10
10:18 49:5	7:14	48:3,19	building
approved	assessing	beginning	34:7
5:21 6:22 8:3,13,22	22:21 27:11	22:7 27:20 34:18	burden
9:10 10:1,15 11:5	assessment	behalf	17:3,4,5 20:15 25:5,6
11:19 12:7,17 13:8	20:9 37:7	2:19 3:13	26:19 31:9 41:6
13:18 14:6,16 15:6	Asset	benchmark	business
15:17 24:12,17	19:11	18:12,17,19 48:14	23:5 28:8 35:4 48:1
28:13 30:16,21	assets	benefit	50:3,14
38:12,17 43:22	39:20	22:9	B-R-I-A-N-A
44:13,22 45:11,21	assist	benefits	3:6
46:9 47:9 48:9,17	27:11 33:2 37:9 41:5	41:19	
49:3,16	49:6	better	
approves	assistance	37:10	C
7:10 10:20 14:20	4:4 5:3 7:17 28:12	bids	calendar
15:10 16:19 24:21	41:9 45:13,14	48:11	6:16 10:19 13:3
31:4	associated	biennial	14:11 15:9
approving	34:2	34:18	call
5:18 6:18 7:21 8:9,18	Association	bill	2:2 7:7
9:7 11:1,16 12:4,14	44:6	20:7,15 30:1	cancel
13:4,14 14:12 15:2	attract	bills	12:19 45:2
15:13 24:8,13 30:13	29:11 36:3	21:18,20 37:5,11	cancellation
30:17 38:8,13 43:18	authority	38:2 41:7,12	45:4
44:9,18 45:7,17	7:18 12:19 46:1	Block	cancel
46:5 47:5 48:5,13	authorize	48:4	13:1 45:3
48:21 49:12	49:9	breaks	capacity
April	available	32:5 40:8	43:7
7:7 39:6	8:7	Breana	capital
ARES	averaged	2:6	17:19 18:1,11 19:11
7:20	19:15 29:8	Briana	19:18 22:11,14 26:5
argument	awarding	3:5,10	29:11 36:3
9:12,16,18,20 10:1,4	4:10	briefs	CAPM
10:8,9,12,15 17:7	a.m.	39:15	19:12,14 29:8
25:7	1:8	bringing	careful
Arrearage		33:10	22:14
28:13	B	Broadband	carefully
Article	back	44:6	35:16
17:7,12 25:8,12	2:11	broker	Carmel
			6:14

carriers 45:15	41:21 43:21 44:12 44:21 45:10,20 46:8	code 2:17	24:7 28:2 30:11,12 34:20 38:6,7,20 40:3
Carrigan 1:15 2:3	47:8,21 48:8,16 49:2,15 50:1,2,5	collaborative 28:19	commissioners 2:3,20 3:9 38:19 39:7 50:2
case 17:5 23:12 35:8,11 35:16 39:2,8	Chair's 40:4	colleagues 43:11	Commission's 35:12 43:3
cases 22:10,15 41:1 42:2	change 19:11,16 23:19 42:17	collect 29:13 36:20	committee 3:22 4:5,7,9,15 5:5
Cash 19:15	changes 20:21 23:21 33:14 38:3	collected 6:15 21:21	common 19:8 28:22 35:19
cast 32:1	changing 39:9	collectibles 41:17	community 3:15,16,21 4:16,18 6:4
categories 17:21	charge 6:16 7:3 20:1,2,4 29:15,16,19 36:7,17 37:1,19,20,21	collections 37:17 41:17	companies 7:5 13:10 34:11,17 34:20 35:11,20 36:3 37:5,8,14
cause 34:12 50:9	charged 38:1	come 2:8 49:22	company 7:8 19:21 20:20 21:2 21:4,14 26:7,10,15 27:4,18 28:12 29:5 29:11 30:3 31:20 32:19 33:17 34:5,7 35:2 37:11 40:9
CDC-PHP's 19:13	charges 10:19 14:8 36:10	ComEd 6:2 9:15 48:12	company's 6:15 7:6 20:11 21:11 23:1 26:4 27:10 28:2,3,11 32:17 33:1,17 37:9
center 7:7	charging 11:22 36:3	ComEd's 9:13	compensation 49:7
CER 1:21 50:13	chicago 1:6,9 2:4 3:18,19,20	commence 30:3 37:12	complete 19:5 42:10 47:15
certain 42:8	citizens 4:14	comments 2:21 38:19 46:22 47:2 50:5	completed 21:4
certificate 12:19 13:1 45:2,3 46:1,3	city 3:19	Commerce 1:3 7:15 41:10	completion 21:11
certificates 7:18 9:4 11:13 12:1 13:22	clarifications 31:8	commercial 7:13,19	complexity 38:2
certification 8:15 9:2 11:21	clarifies 17:3 25:4	COMMISIONER 24:6	compliance 11:12 19:2,7 27:11
certifications 13:20	clarify 25:5	Commission 1:3 2:18 6:6 7:8 9:16 10:8 11:9 14:9 16:4 17:8,10,13 19:10 21:3,13,14 22:7,9 23:11,17,18 24:1 25:8,10,12,13,15 26:18 27:8,11,15,19 27:21 32:12,17,22 33:2 34:21 37:22 42:6,9,15,19,21 43:6,7 46:15 49:18 49:22	comply 19:5 27:5 35:11,14
certify 50:19	Clause 15:9	Commissioner 1:15,16,17,18 23:2	comprised
Chairman 1:14 2:1,5,8,16 3:7 5:8,20 6:11,21 8:2 8:12,21 9:9,22 10:14 11:4,18 12:6 12:16 13:7,17 14:5 14:15 15:5,16 16:15 24:7,11,16 30:12,15 30:20 38:7,11,16	Clavey 33:6		
	clean 20:3 22:13 23:15,20 29:17 39:10 42:17		
	Climate 4:6		
	Coal 3:18		

3:15	5:17 6:8 9:6 11:15	Convenience's	currently
concern	12:3,13 14:2 27:12	13:13	22:15 34:22
6:1 9:1 11:6,20 12:8	35:3	COOK	customer
13:19	considers	50:11	6:3,5 13:11 20:1
concerns	25:15	Corporation	21:18 22:2 28:12
6:13 7:1 8:4,14 9:11	consisted	45:13	29:15 30:6 32:9
10:3,17 12:18 13:9	42:4	correct	36:7,10,17,22 37:16
14:7,17 15:7,18	consolidated	50:17	40:11,18
24:18 30:22 43:13	9:12 10:4 31:1	cost	customers
44:3,14 45:1,12,22	constant	14:22 18:14 25:9,11	4:12 7:5,13,20 12:22
46:12 47:10 48:2,10	29:4,9	25:15 32:21 33:7,11	20:13 21:19 23:6
48:18 49:4,17	constituencies	33:21 42:12	28:4,9 29:22 35:4
concludes	4:2	costs	36:11,12,19 37:4,10
5:9 49:20	consultant	10:21 14:20 15:11	41:7,8,13 45:5
condition	12:20 49:6	17:15,16 18:18,22	customer's
28:15	consultants	21:17,21 22:2 25:16	38:2
conditions	12:10	26:20 30:7 32:15	
15:20 16:19 24:21	content	33:8,16 34:2 35:18	D
31:3	22:20	36:18 37:16 41:16	
conduct	context	counties	daily
4:11 25:22	36:14	3:18	37:20
conducted	contingency	County	data
43:9	33:9	3:12 50:11	22:15
confidential	continuation	couple	date
8:5 35:13 44:15,17	31:17	4:7 41:21	22:5,18 27:22 50:9
confirm	continue	course	50:16
17:9	4:5 23:16 38:18 40:9	32:9 40:10	dates
confirmations	41:22	court	33:13,14
48:3,19	continued	3:2	days
conjunction	18:6 26:11,12	Co-op	13:3 20:22 21:11
19:17	continues	13:10	DCF
CONRAD	32:7	Crawford	19:15 29:4,9
1:16	contract	3:17	deadline
consent	5:4 49:17	creation	16:8 20:22
43:14	contracting	4:7	December
Conservation	4:14	credit	48:10
3:11	contracts	21:19,20 29:22 37:4	decision
consider	7:6 48:3,19 49:10	37:17	33:19 41:2,18
16:5 17:14 30:4	contrary	credit/collections	decisions
35:16 37:13 43:1	45:6	22:3 30:8	42:2,6,10 43:8
46:13,15	contribute	critically	decrease
consideration	28:15	32:6 40:8	27:3
22:14	control	CUB	decreased
considered	33:17	7:8	36:15
34:5	Convenience	current	demolishing
considering	13:10	7:12 23:17 36:10	34:6
			demonstrate

18:2,16 34:5,8	27:18,21 28:19	17:19,22 26:5	edits
demonstrated	29:13 30:2 32:19	diverse	5:13 16:22 17:6,8,12
33:7	33:2 34:11,13,17	4:1,13 42:22	17:14,18 18:1,5,10
demonstrating	36:5,19 37:11,20	dividend-paying	18:13,15,20 19:1,4
26:21	directed	29:5	19:8,9,12,16,20
denied	21:22 30:5 37:14	docket	20:1,5,6,7,12,18
16:6,16	directly	15:18,22 16:6,9 20:9	21:8,16 22:4,8,13
denies	2:21	21:10 23:11,14	22:17 23:1,9,10
8:6,16	director	24:18 25:3 27:14,17	24:1,5,9,11 25:2,7
denying	49:9,18	29:15,20 30:4 31:8	25:19 26:3,5,9,12
16:12	directs	31:11 35:21 37:13	26:15,22 27:4,10,18
Department	7:10 13:2 30:1 37:5	42:9 43:4 44:6	27:20 28:1,10,13,16
7:15 41:10	disaggregated	dockets	28:18,22 29:1,2,10
deprive	32:20	9:12 10:4 30:22	29:13,16,20 30:2,9
45:4	disallowance	34:15,16 35:5 38:21	30:13,15 31:6,7,10
describe	17:19 18:11,21 26:4	39:8,16 42:6	31:16,19 32:6,10,19
26:16 27:17	26:22 32:3 33:5,21	document	33:2,5,11,17,20,22
described	35:9 39:3 40:5	46:16	34:3,11,13,17,19
34:15 35:21	disallows	documents	35:6,8,10,15,19
description	31:19	42:4 46:14	36:2,5,15,15,19
33:14	disconnections	doing	37:2,11,18,20,21
design	41:17	23:4 50:14	38:5,9,11
19:21 33:13	discount	DOUGLAS	effective
designated	19:15 20:6,7 21:19	1:14	4:11 42:12
18:4	21:20 29:21 37:3,9	ductile	effectiveness
desiring	40:19 41:4,6,14,15	32:1	28:18
2:18	41:19	due	efficiency
desk	discuss	10:1,15 22:5,18	3:14 4:11,15 13:21
2:9	50:3	27:22 46:22	14:19 20:4 29:19
detailed	discussed	duty	36:18 46:14,18,19
32:20	27:14 34:16 35:5	37:22	effort
determine	discussing	dysfunction	32:14
32:12,22	5:6	4:8	eight
determining	discussion	<hr/>	18:14
17:15 22:10 25:16	23:13 39:18	E	Eighth
develop	dismissed	<hr/>	22:4 28:22 35:8
19:6 21:5 24:2 42:22	47:22	eager	elected
development	dismissing	4:1	3:13,22 47:12
19:4 28:20	47:16,18	Economic	electric
develops	disposition	7:16 41:10	5:22 7:4 11:22 12:9
28:12	49:19	Economics	12:20 13:10,12
different	distinguished	49:10	23:22
39:4	31:11	economy	electrification
direct	distributed	23:15	22:12 23:5,7 28:8
19:6,21 20:18,20	8:15 9:3 49:8	edited	35:1,4 39:13
21:8 22:4,17 24:1	distribution	5:18,21 24:14,17	electronic
		30:18,21 38:14	

50:14	9:18 10:10	19:11	E-18
Eleventh	entity	exchange	10:3
37:2	49:11	45:15	E-19
eligibility	Environmental	executive	10:17
41:12	49:10	49:9,18	E-2
eligible	EPRI	Exhibits	6:1
4:16 21:19 29:22	28:3	35:14 39:15	E-20
37:4 41:5 45:15	Equitable	exist	11:6
embarks	4:6	23:16	E-23
23:14	equity	existed	11:6
emergency	19:9 29:1 35:20	42:8	E-24
32:5 40:7	errors	existing	11:20
emphasizes	33:15	32:8 34:6 40:10	E-25
42:9	Especially	42:20	11:20
employees	39:12	exists	E-26
25:21	establish	42:16	12:8
empower	16:3 19:14 35:6	expectation	E-27
4:5 5:5	established	32:7	12:8
enable	40:20	expeditious	E-28
27:8 32:21	establishes	46:20	12:18
encourage	17:2 25:4	expense	E-29
41:7	establishing	35:9,11,16	13:9
encourages	5:4 36:17	expertise	E-3
20:4 29:19	estimate	40:15	6:13
energy	29:8	explain	E-30
3:11,14 4:11,14 7:2	estimated	23:3 28:6	13:19
7:17 13:20 14:19	20:20	explains	E-31
20:3,4 22:13 23:15	estimating	35:2	13:19
23:20,22 29:17,19	29:3	extend	E-4
36:18 39:9,10 41:6	evaluate	44:4	7:1
41:9 42:17 46:13,17	22:1 30:6 37:15	extends	E-5
46:18 48:11 49:8,10	evaluation	44:7	8:4
engage	47:14	extension	E-6
43:6	evidence	39:19	8:14
engagement	4:21 18:18 26:21	extensively	E-7
4:14,18 39:12	31:12,13,13,14,21	26:8	9:1
engages	33:18 34:4	extent	
22:8	evidentiary	22:22	F
Enron	16:3	extraordinary	facilitation
27:7	examining	43:11	5:4
ensure	43:10	E-1	facilities
37:22 40:17 41:18	exceed	6:1	6:3,5 8:16 9:3 11:22
42:10	33:4	E-16	26:2 33:22 34:7
enter	exceeded	9:1	facility
49:9	18:18	E-17	34:12
entirety	exception	9:11	factor

23:7	14:19	5:3,6 21:15 42:21	31:16 32:7 33:21
factors	find	forward-looking	34:1 35:6,10 36:10
43:2	11:10 18:1,5,13,15	19:13 29:3,6	36:13 38:3 39:7,16
fail	19:1 20:1,3,12 22:8	found	39:21 40:3,7,20
26:14	22:13 23:1,10 26:5	22:16 39:3	42:12,14,16,20 43:3
failed	26:12 27:10 28:1	four	43:5,8
18:1,13,16,17 34:1,8	29:10,16,18 31:16	11:13 18:14 23:2	GDS-1
fails	31:20 33:11,17,22	28:2 34:20 41:3	29:15
35:14	34:4,7 35:10,15	Fourth	general
failure	36:2,15 37:22	18:20 26:22 33:20	15:19 16:18 24:19
11:8	finding	FPL	31:2
falls	8:6,16 9:4 10:20 12:2	20:14	generally
20:13	12:11 13:22 14:22	fuel	42:19
February	15:11 16:7 43:16	6:16 10:19	Generating
4:19 33:3	44:16 45:3 46:3	fulfill	6:3,5
federal	fine	4:5	generation
20:14 39:22	2:15	full	8:15 9:3
fee	first	39:3	given
7:14	2:10 3:1,5 16:1 17:2	fuller	16:8,11 18:3 26:13
FERC's	25:3 31:7 39:2 42:1	39:10	32:14
29:2	46:21	fund	go
field	five	7:17 44:5	17:1
4:15	9:17	funding	goal
Fifth	five-tier	32:4 40:7	43:3
19:8 27:14 34:11	29:21 37:3	funds	goals
figure	fixed	4:11 5:1 28:14,16	20:2 22:13 23:20
29:9	20:1,2,4 29:16,18	34:10	29:17 35:1 36:18
file	36:7,10,17,22 37:19	further	39:10
11:8 13:2 19:7 20:20	37:20 41:8	18:15 19:1 20:12	goes
22:4,17 27:18,21	Flow	21:4 22:17 23:1	40:1
34:14,17	19:15	26:15 28:1 30:4	going
filed	followed	31:20 34:4,13,19	21:15 41:12 42:21
7:8 11:10 16:1 35:11	43:4	36:19 37:12 49:19	good
filing	following	50:5,19	2:8,16 3:7,9 39:16
6:1 16:8	18:8 22:2 30:7 37:16	future	governmental
filings	foregoing	5:6 13:1 22:10,15	3:12
6:7,9,11	50:17	23:9 24:2 27:15	governments
final	form	35:6 39:16,17 42:14	3:19
20:20 21:1 39:5	23:17 24:2 45:14	43:4,8,8	grade
Finally	formal		34:12
43:11	24:4 43:4	G	grant
financial	formalize	gas	4:11,17 5:1 9:4 12:1
50:20	34:14	7:4 14:8,9,17,18 15:8	12:11 13:21
financially	former	17:20 20:10,15 23:3	granted
37:9	7:13	23:6,9,16,19 24:1,2	47:22
financing	forward	27:15,22 28:5 31:1	granting

9:17,19 10:9,11 47:15,17	Heartland 47:11	33:6	4:9
grants 5:3 13:13 43:16 44:16 45:16 46:3	heating 36:6,11,20	IIEC/CUB 19:12	income 3:14,14 4:2,12 7:16 20:6,13,16,17 29:21 40:19 41:8,9,13
grateful 5:5	held 50:15	Illinois 1:3,6,9 2:17 4:3 7:3 9:4 12:1,10,22 13:21 20:17 24:19 40:22 41:10 44:5,5 45:3,4 46:3,16,18 47:14 48:4,20 50:10 50:15	incomplete 11:11
greatly 39:1	help 42:18 43:1	impacts 23:5 28:8 35:3	inconsistent 20:2 29:17
Greenway 47:11	hereof 50:17	implement 20:19 25:20 30:1 37:5	incorporating 28:7
Grid 9:14 10:6	high 20:1 29:16 32:13,15 32:18	implementation 21:2,4,6 22:2 30:7 37:16	increase 15:19 16:18,20 20:11 24:20,22 31:2,4
group 3:22 25:21 42:22	highest 40:14	importance 39:21	increases 41:2
growth 29:4	highly 44:17	important 4:21 32:6 39:18 40:8 40:17 41:15	incurred 10:21 15:1,12 18:3 32:16 33:8,10 34:3
guide 17:13 25:13	holding 49:19	implementing 17:13 25:14	independent 49:6
G-1 14:7	home 4:12 7:16 41:9	importance 39:21	individual 26:16
G-2 14:17	hosting 4:9	importantly 41:3	individually 17:1
G-3 15:7	hourly 35:17	improve 25:22	inform 39:17 42:18
G-4 15:18	hours 35:17	improving 14:3	information 8:7 21:6 27:6 32:21 35:13 42:7,7 44:17
G-5 24:18	household 20:16	inactivity 4:8	informed 43:7
G-6 30:22	households 40:22 41:5	inadequate 31:20	infrastructure 22:6,19 23:8 27:19 28:1 34:18 42:21
G-7 43:13		inappropriate 18:17	inhibits 26:18
	I	include 19:2 24:3	initiate 6:14 21:8 23:9 46:15
H		included 20:9 37:6	initiated 42:15
Hearing 5:20 6:11,21 8:2,12 8:21 9:9,22 10:14 11:4,18 12:6,16 13:7,17 14:5,15 15:5,16 16:15 24:11 24:16 30:15,20 38:11,16 43:21 44:12,21 45:10,20 46:8 47:8,21 48:8 48:16 49:2,15	ICC 49:6	including 22:2 30:7 35:16 37:16	initiates 6:17 14:10 47:3
	ICCP 9:15	inclusive	initiating 24:3 33:3 46:21
	identified 34:2		initiation
	identify 23:19 26:16		
	identifying 26:1		
	IFCUP 10:7		
	II		

14:7 46:12	7:1 32:10 40:12	13:10 16:7	legal
input	49:11	journey	1:20 17:2,9 25:4 31:7
23:13	investment	23:15	31:10
install	17:17 25:17 26:5	JSP	level
8:15 11:21 13:20	32:13	9:15	20:14 31:21 32:13
installer	investments	Judge	37:8 39:11
9:3	18:2 22:11 27:2 34:2	49:21 50:1	leverage
instances	34:9 39:17	July	37:15
42:8	in-house	22:7 27:20 34:19	licenses
insufficient	25:20,21	44:8	11:8 12:9,11
23:3 28:3 34:5 39:4	IQ	justified	light
insufficiently	3:21 4:7	31:17	22:12
34:21	IQN	justify	LIHEAP
Integrated	5:5	18:13,18 33:15	7:17 41:8,12
9:14 10:6	iron		limiting
intend	32:1,1	K	20:3 29:18
12:22	issued	keeping	line
intended	10:2,16	28:17	21:17,20 39:19
32:4 40:6 43:9	issues	Kingsley	listed
intent	4:13 18:8 21:9 23:11	49:21 50:1	42:2
47:13	31:9 39:9,19 43:10	known	little
interest	item	26:14	26:6
5:6 43:17 45:6 50:20	6:13 7:1 8:4,14 9:11	L	local
interested	10:3,17 12:18 13:9	lack	3:11 45:15
9:17 10:8 28:20 43:5	14:7,17 15:7,18	42:7	locate
interests	21:17,20 24:18	LAC-COFI's	25:20,22
43:15	30:22 43:13 44:3,14	20:5,7,8,12 37:2	long
interexchange	45:1,12,22 46:12	LaSalle	34:18
45:2	47:10 48:2,10,18	1:9	longer
interlocutory	49:4,17,19	LDA	12:21 18:7
16:2,13	items	21:18	long-term
intermediary	5:18,22 6:1,9 9:1,7	lead	27:22
28:11	11:6,16,20 12:4,8	3:22 4:12	look
internal	12:14 13:19 14:3	leadership	5:6
22:9	44:2 46:11	3:13,15 5:2	Looking
interpreting	iteration	leak	40:13
17:13 25:14	33:1	18:4	low
interveners	IUSF	leaks	3:14 7:16 20:5 29:21
17:5 34:3 42:5	44:5,8	32:5,8 34:12 40:8,10	40:19 41:8,9,13
intervenors	J	leak-prone	lower
35:15	January	26:6	26:14 41:6,16
invest	21:9	lease	lowers
42:20	Jobs	25:9,11	29:7
investigating	4:6	least-cost	low-income
49:7	joint	17:8,11 31:10	21:20 30:5 36:19
investigation			37:3,14 41:4

M			
MAGNA	meaningful	48:12	6:14
1:20	41:4	MidAmerican's	move
magnitude	measure	15:7	24:5 30:9 38:5
34:8	20:16	milestone	moving
mains	measures	33:13	5:3,11,22 44:1 46:10
17:20	13:21 32:6 40:9	mind	48:1
maintain	mechanically-coup...	3:1	Multi
11:21	26:8	minimum	9:13 10:5
maintaining	meet	22:6,19	Multi-Year
39:21	9:5 12:2,12 13:22	minutes	9:14 10:6
major	20:22 23:19	2:19,22 3:3 5:14,16	municipal
38:21	meeting	5:18,20	3:19
making	1:4 2:2,11 5:14,16	Miscellaneous	M-O-O-R-E
25:12 26:18 33:19	39:22 50:6	46:10	3:6
manner	meetings	missing	M-1
42:13 46:20	2:1 4:10	11:11	46:12
Manual	meets	mitigates	M-2
46:17,19	46:4	36:18	47:10
MAOP	membership	mix	N
18:22 19:2,7 27:2,5,7	3:16 4:10	39:9	name
27:10,13 34:14	Memorandum	model	3:2,5,5,6,10
March	16:5	19:12,15 29:4	natural
7:7	mentioned	modernization	28:5 42:20 43:2
Marciniak	3:10	31:18 39:13 40:5	nature
1:21 50:13,22	merit	modernizing	16:11
market	23:13	40:16	Navigator
19:13 29:3,6	merits	modifications	47:11,11
marketing	22:14	28:11	nearly
7:5	met	modified	20:15 33:10
materials	1:8 8:17	19:20	necessary
18:4 26:7	Metering	month	20:21 45:5
matter	6:6	11:13 42:3	need
47:16,18,22 50:21	method	monthly	4:12 32:14 42:9
matters	22:21 32:12	37:10,19,21 41:7	needed
15:22 49:22	methodology	months	32:13 37:9 41:6
maximize	19:10 29:2,3,6 35:21	11:13 21:3 22:5,18	needs
28:18	48:14,16	27:22 33:4	42:11
Maximum	metro	Moore	neighborhood
18:21 27:1	3:20	2:6,6,7,15,22 3:5,5,9	32:18
McCABE	Michael	3:10 5:8	Neither
1:18 2:3 30:11,12	1:15,21 50:13,22	morning	35:1
38:20	microphone	3:9	Net
MCS	2:9	motion	6:6
26:9,10,12,13,16	mid	7:9 16:7,11 47:10,15	new
	6:13 10:18	47:18	32:8,10 34:7 40:10
	MidAmerican	Mount	

41:4 42:20 45:15 49:18 newly 3:13 Nicor 14:17,18 16:1,5 17:20 18:1,13,16 19:5,6 20:10,18 21:22 22:4,8,17 23:3,6 43:14 Nicor's 15:19 16:17 18:3,11 18:21 19:1 22:14 Ninth 29:13 35:19 non-heating 36:8,12,22 non-pipe 39:19 non-profit 3:17 non-residential 13:11 normal 32:9 40:10 north 1:9 3:14,21 4:7 31:2 33:6,9,12 34:13 35:9 36:1,19 37:4 37:21 Northern 4:2 notable 19:11 Notably 22:12 Notary 1:22 50:13 note 2:20 17:12 20:8 41:15 notes 25:12 28:4 notice 1:8 10:1,15 notified	5:1 November 1:5 2:2 47:1,2 number 3:20 16:22 29:7 <hr/> O <hr/> objections 5:17 6:8,18 7:21 8:9 8:18 9:6,19 10:11 11:1,15 12:3,13 13:4,14 14:2,12 15:2,13 16:12 24:8 24:13 30:13,17 38:8 38:13 43:18 44:9,18 45:7,17 46:5 47:5 47:17 48:5,13,21 49:12 50:6 objective 31:22 obviously 2:10 October 5:13,15 20:19,22 30:2 37:6 offered 31:20 officials 4:10 okay 2:13 oldest 40:14 once 3:2 on-bill 14:19 Open 1:4 2:1,2 5:14,15 operate 7:18 9:2 12:9,19 45:2 46:1 Operating 18:22 27:1 operation 6:3,5	operations 7:7 23:16 Opportunity 7:16 41:11 optimal 32:12 options 27:12 oral 9:11,16,17,20 10:1,3 10:8,9,12,15 order 2:3 6:17,19,21 7:9,22 8:2,6,10,12,16,19 8:21 10:20,22 11:2 11:4 13:1,3,5,7,13 13:15,17 14:10,13 14:15,20,21 15:3,5 15:10,11,14,16 16:19,21 17:1,2 21:1 24:3,14,16,21 25:1,2,3 30:17,20 31:4,5,6 32:10 38:14,16 39:5 40:4 43:16,19,21 44:6,10 44:12,16,19,21 45:3 45:8,10,16,18,20 46:3,6,8,21 47:3,6,8 47:21 orders 9:4,7,9 11:10,12,16 11:18 12:1,4,6,11 12:14,16 13:21 14:3 14:5 19:17 40:2 42:15 organization 2:20 organizations 3:16,21 4:17 original 16:7 outcome 39:4 50:21 outlines 22:6,19 outreach	4:12,18 overages 33:10 overall 19:18 29:12 35:22 36:14 overruns 18:14 overview 40:4 O-1 48:2 O-2 48:10 O-3 48:18 O-4 49:4 O-5 49:17 <hr/> P <hr/> P 1:14 pace 18:6 page 50:16 pages 42:4 paid 35:18 Paradis 1:17 2:4 38:6,7 40:3 parallel 6:2,4 parameters 28:17 part 13:2 19:10 29:2 35:14 participation 22:22 parties 16:3,7 21:10 23:10 23:13 38:22 43:6,16
---	---	--	--

50:20	petitions	POGNM	privatize
pause	6:13 9:13 10:5	6:6	4:16
40:5,12	PGL	points	proceed
pauses	32:4	41:21	46:19
32:11	Phase	policies	proceeding
pay	33:6	39:17	23:10 24:2,4 27:16
7:12,15 41:11	PHMSA	policy	32:21 33:3 35:7
Payment	18:4 27:5,13	46:14,16,19	39:17 42:15,18 43:5
20:18	PHSMA	portfolio	43:8 46:13,15,22
Peoples	19:6	19:2	47:3
31:1,16 32:7 33:21	pilot	potential	proceedings
33:22 34:4 35:10	25:20	22:21	6:15 11:7 14:8,11
36:1,5,10,13 37:4	PIO	poverty	50:8,15,18
37:18 38:3 39:2,13	16:1 18:10	20:14	process
40:3,7	PIO's	practices	16:3 21:22 39:18
percent	16:5 18:20	7:6	42:3
17:22 19:9,14,16,19	pipe	prejudice	processes
19:22 20:14,15	18:4 26:6,12 32:5,13	47:16,19,22	43:10
23:15 25:22 26:4	32:15,18 40:8,14	preponderance	procurement
28:5 29:1,7,10,12	pipeline	31:12,13	48:14
29:14 33:7 35:20,22	18:15 32:2 47:13	present	produce
36:1,6,8,20,21	pipes	1:13 16:4 23:14	19:16
percentage	26:9,10,14	presented	product
20:17 36:16 41:5	PIRG	21:19	42:3
percentages	9:15	Pressure	production
36:9	place	18:22 27:1	17:6
perform	50:16	prevented	productive
17:10 25:11 27:5	plan	4:8 23:4 28:7 35:3	4:9
period	9:14,14 10:6,6 19:7	previously	products
14:22 15:12	22:5,6,18,19,20	27:15,18	48:11
permit	27:11,19,21 28:1	Pricing	program
33:13	34:14	19:12	14:20 20:19 21:6,17
permitting	planning	primary	21:21 25:20 28:12
47:14	22:9 23:8 43:10	31:22	28:13,17,20 31:18
person	plans	prior	37:6 39:14 40:5
2:5,17,19	34:18	22:5,18 27:22	41:9 48:4,6,20,22
petition	plant	priorities	programs
8:4,6 10:17 12:18	26:5 27:7	32:20	41:20
13:11,13 14:17	Plan(PIPP)	prioritize	progresses
15:19 16:2,12,15	20:18	40:18	42:17
43:13,16 44:3 45:12	platform	prioritizes	project
45:16	39:16	32:18	33:6,8,11,13,13
Petitioner	please	prioritizing	projects
12:21 13:2	2:20 3:1	32:9 40:11	18:12,15 26:17,19
Petitioners	POGCS	priority	promotes
8:5 44:15	6:4	40:14	36:17

prone 18:4	45:6 50:13	35:18 42:11	15:12 21:22
proof 17:3 25:5,6 31:10,14	Purchased 15:8	rates 15:20 16:18 17:16	reconciliations 6:17
proportion 36:13	purpose 4:5	20:10 24:20 25:16	reconciling 41:19
proposal 20:6,8,8,12 21:16	pursuant 1:8 18:8 20:17	26:14 31:2 35:17	reconfirmation 18:22 19:4 27:2,5,8
proposals 23:12	pursuing 27:13	36:4 37:8 38:1 41:1	27:13
proposed 6:2 15:19 16:5,17	<hr/> Q <hr/>	41:16	reconsider 32:19
17:18,20 18:14	QIP 18:5,9 26:7 32:16	ready 3:8	record 16:3 22:16 23:2 28:3
19:17 20:11 24:19	QIP-level 31:17	reaffirm 40:4	28:17 31:20 32:1
26:4 28:11 31:2	qualified 3:14 4:2	Real 7:2	34:4,21 39:3,11
33:21 36:13 47:3	qualify 41:13	Realgy 7:2,10	40:15 42:8,10,22
proposing 26:11	Question 23:2 28:2 34:20	Realgy's 7:12	recording 2:11,12,14
proprietary 44:17	questions 30:4 37:13 39:7,12	reasonable 17:16 25:17 26:20	records 19:7
protection 44:16	quickly 25:19	29:10 34:1,9 36:3	recover 19:21 21:16 36:5,12
prove 26:20 33:18 34:1	quorum 2:4	36:16	recovers 14:19
provide 18:17 20:13 26:21	<hr/> R <hr/>	reasonableness 32:22	recovery 28:14
29:22 32:20 33:12	raised 21:10 23:11 30:4	reassess 47:12	recreate 27:9
33:18 37:3 42:11	37:13 39:9	receive 41:11,13	redacted 35:13
provided 27:6 45:15	rate 8:5 9:14 10:6 16:19	recognize 19:5 27:4 28:16	Reddick 1:16 2:3 24:6,7
provides 21:6	19:18,19,21 20:6,11	recognized 27:12 38:22	reduced 22:1 30:6 37:15
providing 41:5	22:10,15 23:12	recognizes 42:16	reduction 17:22
prudence 33:1	24:21 25:11 29:12	recommendations 49:5,13,16	reexamination 40:6
prudent 17:17 22:11 25:18	29:21 31:4 35:8,11	recommended 25:20	reexamine 32:17 40:17 44:4,8
26:20 32:13 33:19	35:16,22 37:3 39:7	recommending 21:13	Reference 46:17
prudently 10:21 15:1,12 18:2	40:20 41:2,4,14,19	recommends 6:7 46:14,20 47:15	referred 31:18
31:21 34:3	42:2	reconcile 14:18 15:8	refined 28:18
public 1:4,22 3:17 5:11,14	ratemaking 17:11	reconciliation 6:14 10:18,20 14:8	
5:15 8:8 11:9 22:22	ratepayer 28:14 34:9	14:10,21,22 15:10	
25:10 38:1 43:17	ratepayers		

regarding 7:2 42:14 45:13	40:13	17:7 25:8	6:3,5 7:4 12:9,20
regime 18:5	reopen 16:2 44:4	reseller 46:2	retirement 32:19
region 3:20	reopens 44:7	residential 7:13,19 19:20,22 29:14 36:6,8,11,11 36:13,20,21	return 19:8,13,19 28:22 29:4,6,10,12 35:19 35:22
Regular 1:4 2:2 5:15	replace 26:8 32:1,12,15	resources 22:21 49:8	revenue 19:22 27:3 29:14 36:6,8,13,14,21 38:4
regulated 14:9	replacement 18:6 26:11,13,17	respective 6:16	revenues 6:15 10:18 14:18 15:8
regulating 43:2	replacing 18:3	respectively 11:14	revert 37:21
rehearing 16:10	report 8:6,7 13:2 21:5,11,12 28:3 30:5 34:12 37:14 44:16 50:18	respond 2:21	review 16:2,13 21:10 31:15 33:13
reigning 20:16	reported 50:15	respondents 11:10	revised 19:14 29:11 43:17 46:13
reinitiate 47:14	reporter 3:2 50:14	respondent's 11:12	revisions 6:2 15:20 16:18 24:20 31:3
reiterate 32:7	reports 11:8,11	response 5:19 6:10 8:1,11,20 9:8,21 10:13 11:3 11:17 12:5,15 13:6 13:16 14:4,14 15:4 15:15 16:4,14 23:2 24:10,15 28:2 30:14 30:19 32:5 38:10,15 40:7 43:20 44:11 45:9,19 46:7 47:7 47:20 48:7,15 49:1 49:14 50:4	rider 6:4,4,6,6 14:18,20 18:9 21:18 26:8
reject 37:18	represent 4:1 34:9 36:9 42:3	responses 26:1 34:20 39:11 47:1	risk 26:14 32:13,15,18
related 7:6 32:4 33:22 39:12 40:7,19 43:10 50:19	represents 17:21	response)point 6:20 44:20	riskiest 26:10
relating 31:9	request 2:5 9:11,20 10:12 15:8 16:9,10 37:18 44:14 45:1	restate 43:14	risky 26:12
relative 17:15 25:15	requests 4:17 5:2,9 9:16,17,22 10:3,7,9,14 25:22 26:1	result 41:2 42:7	Road 33:6
release 13:11	require 17:10 25:10	resulting 27:2 29:9	robust 39:18 42:10,22
relevant 43:2	required 11:9 21:5	results 19:18 29:6,7,12 35:22	ROE 19:9,16,17 29:1,9,11 36:2
reliability 18:7 39:22	requirement 19:22 27:3 29:14 36:7,9,14,15,21,22	retail	round 14:10
reliable 42:12	requirements 8:17 9:5 12:2,12 14:1 27:6 46:4		route 47:12
remainder 19:3	requires		RTS
remains 17:4			
remove 32:4 40:6			
removed 26:10			
removing			

7:3,14	4:4	34:22	spend
rules	seeks	significant	17:21
11:9 35:12	42:21 49:8	18:13 38:22	spending
Rural	selected	similar	22:14 31:17,21 32:11
13:10,12 44:5	49:11	25:3 27:17 29:15,20	SS
	sell	31:7 34:14 35:17	50:10
	48:11	43:10	STACEY
S	Senior	similarly	1:17
safe	3:10	27:20	Staff
40:14 42:12	separate	Sixth	6:6 7:8 21:3,8,12
safety	21:17	19:20 27:17 34:16	23:18 24:1 25:21
18:7 32:6,9 39:22	serve	slowing	27:8 28:20 30:2
40:9,11,13,18	4:1 7:19	40:16	33:2 35:15 37:11
saying	serves	small	38:22 43:11 46:14
40:1	12:21	7:13,19	46:20 49:5,8,12
scenarios	service	SMP	Staff's
23:7	12:19 13:12 15:21	31:18 32:3,10,11,16	19:10,11,15 21:16
schedule	16:19 24:21 28:4	32:21 33:1 39:13	28:10 29:1,8,8
44:4 46:21	31:3 37:19,20	40:13,16,17	46:22 47:1,3 49:15
scheduled	services	SMP's	stakeholders
19:3	1:20 17:21 45:5 46:2	31:22	22:10 23:18 27:9
SCOTT	49:5	Solar	28:21 30:3 37:12
1:14 2:1,5,8,16 3:7	set	48:20	43:1
5:8,20 6:11,21 8:2	14:21 15:10 50:16	solicitation	standalone
8:12,21 9:9,22	settlement	7:5 48:11	17:11 25:11
10:14 11:4,18 12:6	7:3,9,10,10	sorry	standard
12:16 13:7,17 14:5	Seventh	4:22	17:2,8,9 25:4,9 31:10
14:15 15:5,16 16:15	20:5 28:10 35:5	Southland	31:11,14,15 48:11
24:7,11,16 30:12,15	shareholder	3:18	standards
30:20 38:7,11,16	28:16	speak	19:6 31:8 40:1
41:21 43:21 44:12	shifted	2:5,19 3:1 5:9	start
44:21 45:10,20 46:8	17:5	speaking	3:3
47:8,21 48:8,16	shops	3:12	state
49:2,15 50:2,5	33:21 34:2,6 39:3	Special	23:14,22 35:1 42:19
scrutinized	shore	5:14	43:9 50:10,14
42:5	33:9,12 34:13 35:9	Specialist	states
second	36:1,20 37:4,21	3:11	12:21 47:12
16:17 17:18 24:5,6,7	Shores	specific	Statewide
25:19 30:10,11,12	31:2 33:6	20:9 23:20 26:16,19	46:17
31:16 38:5,6,7 39:6	shortly	37:6	state's
40:19 42:14	10:2,16	Specifically	20:2 22:13 23:20
section	shown	18:5 20:6	29:17 39:10 43:2
2:17 17:9,9 25:9	10:21	specified	station
35:12	sign	16:20 24:22 31:5	11:22
sector	41:8	spell	status
3:17	signaled	3:1	5:1
seek			

Statute 17:14 25:14	supplier 7:4,4	3:13,15,22 5:2	5:7 7:2 23:6 32:15
statutory 16:8 17:3 25:5,6	Supply 6:4	Technical 46:17	50:16
stays 25:6	support 4:18 32:14 39:2,4 41:11 49:6	telecommunication 44:1 45:5 46:2	timeline 20:21 24:3 33:12 44:7 47:4
steel 26:8	supported 40:1	Telephone 45:13	timely 4:13
steps 21:14 34:1 46:21	supportive 5:4	tell 2:10	timing 22:22
stop 2:12	Surrender 7:18	Tenth 29:20 36:5	title 50:16
stranded 39:20	suspend 11:12	term 34:18	titled 21:20
Street 1:9	suspended 6:12	termination 11:7	today 3:12 5:10 42:16 49:22
structure 19:18	suspending 6:7,9	terms 15:20 16:18 24:20 31:3	Today's 41:2,18
struggling 37:10	synthesizing 21:13	territories 41:3	tool 41:4
subcommittees 4:13	system 20:21 23:19 26:7,9 31:18 39:13 40:4 42:12,16 47:13	territory 13:12 28:4	topics 4:15 21:7 35:17
submissions 48:6,8,22 49:2	systems 23:22 24:1 43:3	test 19:1 27:3 31:19 32:3 40:5	total 7:12 33:10
submit 21:2,12	system's 23:16 39:22	testimony 26:17	track 22:1 30:6 37:15
submitted 4:17 9:15 10:7 39:7	S&P 29:5	thank 2:16 3:3 5:7,8 40:2 50:7	transcript 50:18
subscribers 45:16	<hr/> T <hr/>	Third 18:10 26:3 33:5	transition 37:19 42:17
substantial 31:12,14	T 1:15	thousands 42:4	transmission 18:11,15 27:7
substantive 16:22 25:2 31:6	take 21:14 28:19 34:1	three 2:19,22 3:3 10:9 21:3 39:7 42:2	transparent 22:15 42:13
sufficient 33:18 36:2	taken 23:21 50:18	Thursday 1:5	treatment 8:5 44:15
sufficiently 28:6 35:2	talking 2:12	thwart 4:10	trends 22:12
sum 7:12	tax 43:14,17	tied 41:16	true 50:17
summer 3:20	Teague 49:21	tiered 20:7	Twelfth 37:18
sunset 32:16	team	time	two 27:19
supplemental 7:16 28:13 45:14			type 34:13

Typically 3:17	unwilling 23:6	46:22	6:17 9:14 10:6,20
T-1 44:3	updates 21:3	verify 27:9	11:13,14 13:3 14:11
T-2 44:14	upgrades 18:8	Version 46:18,19	15:9 19:1 21:5 27:4
T-3 45:1	urge 25:19	viable 34:6	31:19 32:3 38:21
T-4 45:12	urgent 32:14	voluntarily 28:15	39:6 40:5
T-5 45:22	use 18:16 28:4 34:9	vote 49:4	years 4:8 18:8 22:7 27:19
<hr/> U <hr/>	useful 17:17 22:11,12 25:18	<hr/> W <hr/>	<hr/> \$ <hr/>
ultimately 35:18	utilities 5:11 11:9 14:9 23:18	want 2:8,9 40:3 42:1	\$1M 33:10
unable 23:11	25:10 38:1 40:21	warranted 18:7 26:13	\$1.401M 35:9
unaffordable 41:1	41:18 42:5,11	watching 4:20	\$1.689M 33:6
unavoidable 33:16	utility 1:4 4:20 5:14,15 17:4	week 47:2	\$150,000 7:15
uncertainties 23:4 28:7 35:2	25:4,7 26:19 35:16	winter 41:12	\$16.37 36:12
uncollectibles 22:3 30:8 37:17	40:22 41:3,11,16	Wireless 46:1	\$172,000 35:10
underground 26:1	utility's 17:3	withdraw 47:11,18	\$236.2M 33:20
understand 4:16 43:1	<hr/> V <hr/>	words 39:8	\$265M 31:19
Understanding 16:6	value 49:7	work 4:18,21 19:3,4,5 22:4	\$28.4M 18:11
understands 38:1	variance 33:7	22:18 23:4,18 27:13	\$3.82M 33:11
unforeseen 33:16	varied 39:11	27:21 30:2 37:11	\$30.84 36:11
Universal 44:5 45:13	vehicle 11:22	38:22 40:17 43:12	\$43.3M 18:21
unjustified 38:4	verbal 5:19 6:10,20 8:1,11	worked 35:17	\$45.5M 26:3
unopposed 7:9	8:20 9:8,21 10:13	working 34:22	\$47.51M 27:3
unprecedented 38:21	11:3,17 12:5,15	workshops 21:8,12,13 24:4 30:3	\$500,000 28:14,16
untimely 16:8,11	13:6,16 14:4,14	37:12 43:4	\$55.1M 17:19
	15:4,15 16:14 24:10	wouldn't 3:1	\$592,000 33:9
	24:15 30:14,19	<hr/> Y <hr/>	\$887,608 7:12
	38:10,15 43:20	year	
	44:11,20 45:9,19		
	46:7 47:7,20 48:7		
	48:15 49:1,14 50:4		
	verified		

1	2	3	4	5	6	7	8	9
1 7:12 17:7 20:22 22:7 22:20	2 2:16 7:15 15:22 17:12 22:7,21	23-0082 10:4			6.68 19:19			
1st 20:19 22:7 27:20 30:2 33:3 34:19 37:6	2-step 42:18	25 28:5			6.846 29:12			
1-102 17:9 25:9	2020 7:7	25th 5:14			6.96 35:22			
10 25:22	2021 44:15	288.100(a) 35:14			60 20:22 21:11			
10.21 19:14	2022 10:19 15:9	3			62.28 36:7			
10.79 29:7	2023 1:5 2:2 4:19 6:16 13:3 14:11 17:22 47:1,2 48:10	3 7:18 20:15 22:22			68 33:7			
100 23:15	2024 17:22 19:1 20:19 27:3 30:2 31:19 32:3 33:3 37:6	3.0 46:19				7		
11 42:3	2025 22:8 27:20 34:19	30 14:18,20			70 36:21			
11.71 19:13	2026 21:9	30th 47:2			75% 27:1			
11:30 1:8	2028 44:8	300 20:14				9		
12 22:5,18 27:22 33:4	22-0486 9:12	31st 44:8			9-229 35:12			
12th 5:13	22-0487 10:4	33 17:22 26:3			9.38 35:20			
14 13:3	23rd 47:1	39.06 36:6			9.44 29:1,9			
15th 21:9	23-0055 9:12	4			9.51 19:9,16			
16 1:5 2:2	23-0066 15:18 25:3 27:14,17 29:16,20 31:8 34:15 34:16 35:5	4.0 46:18						
16-0378 44:6	23-0067 24:19 31:9 34:15,17 35:6,21	40 28:5						
160 1:9	23-0068 31:1	43.9 29:14						
1700.10 2:17	23-0069 31:1	454 13:2						
19 28:5		5						
19th 5:15		50 19:21 36:20						
		500 29:5						
		6						
		6.65 36:1						