BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:	)	
	)	
ILLINOIS COMMERCE COMMISSION	)	
On Its Own Motion,	)	
	)	No. 06-0526
Consideration of the federal	)	
standard on time-based	)	
metering and communications in	)	
Section 1252 of the Energy	)	
Policy Act of 2005.	)	

Chicago, Illinois
March 7th, 2007

Met, pursuant to notice, at 11:30 a.m.

BEFORE:

Mr. David Gilbert, Administrative Law Judge

APPEARANCES:

MR. MATTHEW L. HARVEY and
MR. MICHAEL R. BOROVIK
160 North LaSalle Street
Suite C-800, Chicago 60601
for ICC staff;

MR. JOHN ROONEY
233 South Wacker Drive
Suite 8000
Chicago, Illinois 60606
for ComEd;

APPEARANCES: (CONT.)

MR. EDWARD FITZHENRY
1901 Shotow Avenue
Post Office Box 66149
St. Louis, Missouri, 63166-6149
for Ameren companies;
(telephonically)

MS. KAREN HUIZENGA
106 East Second Street
Davenport, Iowa 52801.
for MidAmerican Energy Company.
(telephonically)

SULLIVAN REPORTING COMPANY, by
Francisco E. Castaneda, CSR,
License No. 084-004235

I N D E X

Witnesses:	Direct	Cross	Re-direct	Re-cross	By Examiner
NONE.					

E X H I B I T S

Number	For Identification	In Evidence
	NONE.	

ADMINISTRATIVE LAW JUDGE GILBERT: Pursuant to the authority of the Illinois Commerce Commission, I now call Docket 06-0526.

If I could have appearances for the record, please. Let's begin with staff.

MR. HARVEY: For the Illinois Commerce Commission staff, Matthew L. Harvey and Michael R. Borovik, 160 North LaSalle Street, Suite C-800, Chicago 60601.

MR. ROONEY: On behalf of Commonwealth Edison Company, John Rooney of the firm Sonnenschein, Nath & Rosenthal, LLP, 233 South Wacker Drive, Suite 8000, Chicago, Illinois 60606.

ADMINISTRATIVE LAW JUDGE GILBERT: Okay. Those are all the appearances from the hearing room. If I could the telephone appearances, please.

MR. FITZHENRY: Edward Fitzhenry for the Ameren companies. My address is 1901 Shotow Avenue, Post Office Box 66149, St. Louis, Missouri, 63166-6149.

MS. HUIZENGA: Karen Huizenga, for MidAmerican Energy Company, 106 East Second Street, Davenport, Iowa 52801.

ADMINISTRATIVE LAW JUDGE GILBERT: All right. Those would appear to be all the appearances.

All right. We had closed the evidentiary record and draft order had been submitted. Subsequent to that, staff had filed an application for additional hearings and, at the same time, a document entitled The Supplemental Verified Comments of the staff of the Illinois Commerce.

And as I understand, staff's intentions is to open the evidentiary record for the purpose of having The Supplemental Verified Comments entered into the evidentiary record.

I hope that's correct. Mr. Harvey and Mr. Borovik, why don't you address that.

MR. BOROVIK: Yes, your Honor. At this time I would like to move for admission of The Supplemental Verified Comments of the staff of the Illinois Commerce Commission regarding less sophisticated metering. We'd like to move this into the record at this time.

ADMINISTRATIVE LAW JUDGE GILBERT: Okay. And there's both a public and a confidential version of

that?

MR. BOROVIK: That's correct, your Honor.

ADMINISTRATIVE LAW JUDGE GILBERT: Okay. Any objections to the admission of either public or the confidential version of this document?

MR. FITZHENRY: No, your Honor.

MR. ROONEY: None from me, your Honor. I guess just from a technicality standpoint, I don't know if anything else has actually gotten admitted into the record at this point. It's been filed as verified comments, so I don't -- that would be my only observation.

ADMINISTRATIVE LAW JUDGE GILBERT: Yeah, that's true. And I kind of thought this morning on whether we wanted to put exhibit numbers on these, but we have no one -- we don't have a witness actually sponsoring them.

My intention is to treat all the comments that have been filed as comprising the evidentiary record. Would anyone object to that?

MR. ROONEY: No, your Honor.

MS. HUIZENGA: No, your Honor.

MR. HARVEY: We wouldn't, your Honor.

ADMINISTRATIVE LAW JUDGE GILBERT: Okay. Without applying numbers to them, let's consider them all part of the evidentiary record.

I'm hesitant, since I didn't do it before, to use the word admission to the record as I have just done for the supplemental verified comments, only because I don't want to look like I didn't do the case properly to begin with. So why don't we just leave it at that.

Okay. Is there anything else anyone wants to add into the record.

MR. ROONEY: I think, your Honor, from Commonwealth Edison Company's perspective, we would like the opportunity, brief opportunity, just to file some additional supplemental comments. I think it would -- it would not not be contrary to staff's position. I think it would maybe flush out even further any questions regarding cost issues related to these the IDR meters in this circumstance. It may be a benefit to the Commission given what staff has filed.

I mean -- I don't know if Ameren or MidAmerican has any thoughts of their own in terms of timing, but I'm anticipating this as only being a couple pages, and we'd be willing to work with the other parties in terms of timing.

MR. HARVEY: I don't think staff has any objection. You know, there -- certainly our concern in this initial -- in this supplemental part of the proceeding was to make certain that things we perceived to be, you know, incompletenesses in the record were addressed; and to the extent that ComEd proposes to further rectify that deficiency, I would think staff would be okay with that.

ADMINISTRATIVE LAW JUDGE GILBERT: All right. Any thoughts by the telephone parties?

MR. FITZHENRY: The Ameren companies had not contemplated filing additional comments. We certainly don't object to ComEd doing so.

MR. ROONEY: And, obviously, from ComEd's perspective, it would only relate to ComEd's situation and not that of the other utilities. And in terms of timing, your Honor, what we're proposing

to be a week. I didn't know if anyone else would, and I didn't want to rush things along.

MS. HUIZENGA: MidAmerican has not discussed that idea internally at this time, but I would expect that a short period, a week to ten days, should be sufficient, if we would to decide to file additional comments as well.

They would -- I would note that they would not in any way be contrary to what staff has filed but, hopefully, in addition.

MR. HARVEY: Again, staff notes that, you know, to the extent what it perceives to be a record deficiency is being addressed by the parties, it certainly doesn't object to that taking place.

ADMINISTRATIVE LAW JUDGE GILBERT: All right. And I think everything that is being proposed is quite constructive. My own sense after reviewing the draft order that was provided and after going back and looking at the comments from which that draft order was derived, was that while we had a sufficient record with respect to what are called Smart Readers, we did not necessarily have a sufficient record with

the more run-of-the-mill IDR, or Interval Demand Recording meter.

So I think the efforts to supplement the record is very appropriate. And if we can go beyond what staff has already done and do so in a similarly constructive manner, I think that would be a good course to follow.

Why don't we set comments for ten days. Since I didn't expect this, I don't have my calender with me.

MR. HARVEY: I think that might turn out to be a Saturday.

ADMINISTRATIVE LAW JUDGE GILBERT: Yeah.

MR. ROONEY: A week from Friday?

ADMINISTRATIVE LAW JUDGE GILBERT: Yeah. Let's make it nine days. Friday following this coming Friday --

MR. ROONEY: The 16th.

ADMINISTRATIVE LAW JUDGE GILBERT: That would be the 16th. For MidAmerican and for Ameren, would that give you time if you intend to file anything?

MR. FITZHENRY: Yes.

MS. HUIZENGA: Yes, your Honor.

ADMINISTRATIVE LAW JUDGE GILBERT: Okay.

All right. Let's go off the record for a moment.

(Whereupon, a discussion was had off the record.)

ADMINISTRATIVE LAW JUDGE GILBERT: All right. We talked about this a bit off the record and here's what we're going to do: As noted, the parties will have till the close of business on March 16th, which is a Friday, to file supplemental comments responding to supplemental comments of the staff that were placed in our evidentiary record today.

By the close of business on Friday the 23rd, I've asked the parties to apprise me of either their intention to request leave to file further comments or that all parties agree that no further comments need to be filed.

And they can notify me by e-mail. I would request that I either receive an e-mail from all parties collectively or from a single party who has the proxy of all other parties. And if, in fact,

that's the course that the parties select, that means that on the 23rd I will note the parties want to place nothing else in the record and I will ask the clerk to mark the record heard and taken, and there will be no need for the parties to come back for another status hearing or any other kind of hearing.

If on the other hand any wants to file further supplemental comments, please state that by e-mail to me by the close of business on the 23rd, and then I'll probably call a status hearing and we'll come together and figure out when to do that. Although, my understanding from discussion with the parties off the record is, it is unlikely that we'll be doing that.

Okay. Hopefully, that's all understood by everyone. If you have any questions about what I just said, let me know. If you have anything else you want to add, please add it now.

MR. ROONEY: None from ComEd.

MR. HARVEY: Not from staff, your Honor.

MS. HUIZENGA: Not from MidAmerican.

MR. FITZHENRY: Nor by Ameren companies.

ADMINISTRATIVE LAW JUDGE GILBERT: Okay. Very good. I'll look forward to any supplemental comments on the 16th and to some sort of e-mail notice from the parties by the 23rd. And thanks very much.

(Whereupon, further proceedings in the above-entitled matter was continued to March 23, 2007)