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BEFORE THE

ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF: )  
)  
ILLINOIS COMMERCE COMMISSION )  
On Its Own Motion ) No. 06-0389  
)  
Rulemaking regarding demand )  
response programs )

Chicago, Illinois

September 20, 2006

Met, pursuant to notice, at

1 o'clock p.m.

BEFORE:

MR. DAVID GILBERT,  
Administrative Law Judge

APPEARANCES:

MS. SUSAN HEDMAN and  
MR. RISHI GARG  
100 West Randolph Street, 11th Floor  
Chicago, Illinois 60601  
appearing for People of the State of  
Illinois;

MS. ANN McKIBBIN  
208 South LaSalle Street, Suite 1760  
Chicago, Illinois 60604  
appearing for Citizens Utility Board;

1 APPEARANCES (continued):

2 MS. CARLA SCARSELLA and  
3 MS. BRANDY E.B. BROWN  
4 160 North LaSalle Street  
5 Chicago, Illinois 60601  
6 appearing for staff of the Illinois  
7 Commerce Commission;

8 MR. ALLAN GOLDENBERG  
9 69 West Washington Street, Suite 3130  
10 Chicago, Illinois 60602  
11 appearing for Cook County State's  
12 Attorney's Office;

13 MR. PHILLIP CASEY  
14 SONNENSCHNEIN, NATH & ROSENTHAL  
15 233 South Wacker Drive, Suite 7800  
16 Chicago, Illinois 60606  
17 appearing for Commonwealth Edison  
18 Company;

19 MS. LAURA EARL  
20 JONES, DAY, REAVIS & POGUE  
21 77 West Wacker Drive  
22 Chicago, Illinois 60601  
23 appearing for Ameren CILCO, Ameren CIPs,  
24 and Ameren IP;

25 MR. BRADLEY PERKINS  
26 10 South Dearborn, Suite 3500  
27 Chicago, Illinois 60633  
28 appearing for Commonwealth Edison;

29 MS. KAREN HUIZENGA  
30 106 East Second Street  
31 Davenport, Iowa 62801  
32 appearing for MidAmerican Energy Company;

33 MR. JOSEPH LAKSHMANAN  
34 2828 North Monroe Street  
35 Chicago, Illinois  
36 appearing for Dynergy;

1 APPEARANCES (continued):

2 MR. DAVID I. FEIN  
3 550 West Washington Boulevard, Suite 300  
4 Chicago, Illinois 60661  
5 appearing for Constellation New Energy,  
6 Incorporated;

7 MR. ERIC ROBERTSON  
8 Lueders, Robertson, Konzen & Fitzhenry  
9 P. O. Box 735  
10 Granite City, Illinois 62040  
11 appearing for Illinois Industrial  
12 Energy Consumers.  
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19 SULLIVAN REPORTING COMPANY, by  
20 Patricia Wesley, CSR, RPR  
21 License No. 084-002170  
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1 JUDGE GILBERT: Pursuant to the authority of the  
2 Illinois Commerce Commission, I call Docket No.  
3 06-0389, if I could have appearances for the record  
4 please, beginning over here with Ms. Hedman

5 MS. HEDMAN: That microphone I'm not sure it's  
6 on.

7 (Brief pause.)

8 Susan Hedman on behalf of the People of  
9 the State of Illinois and Rishi Garg on behalf of  
10 the Attorney General, 100 West Randolph, 11th Floor,  
11 Chicago, 60601.

12 MS. McKIBBIN: Ann McKibbin on behalf of the  
13 Citizens Utility Board, 208 South LaSalle, Suite  
14 1760, Chicago, Illinois, 60604.

15 MS. SCARSELLA: On behalf of the staff of the  
16 Illinois Commerce Commission, Carla Scarsella and  
17 Brandy E.B. Brown, 160 North LaSalle Street,  
18 Chicago, Illinois, 60601.

19 MR. GOLDENBERG: Allan Goldenberg, Assistant  
20 State's Attorney, on behalf of the Cook County  
21 State's Attorney's Office, 69 West Washington  
22 Street, Suite 3130, Chicago, Illinois, 60602.

1 MR. CASEY: On behalf of Commonwealth Edison,  
2 Phillip Casey; Sonnenschein, Nath & Rosenthal, 233  
3 South Wacker Drive, Suite 7800, Chicago, Illinois,  
4 60606.

5 MS. EARL: On behalf of Ameren CILCO, Ameren  
6 CIPs, and Amerend IP; law firm of Jones, Day, Reavis  
7 & Pogue, 77 West Wacker, Chicago, Illinois, 60601.

8 MR. PERKINS: Bradley Perkins on behalf of  
9 Commonwealth Edison, 10 South Dearborn, Suite 3500,  
10 Chicago, Illinois, 60633.

11 JUDGE GILBERT: Anyone else in the room?

12 (No response.)

13 All right. The telephone parties, let's  
14 hear from the parties.

15 MS. HUIZENGA: Karen Huizenga, appearing on  
16 behalf of MidAmerican Energy Company, 106 East  
17 Second Street, Davenport, Iowa, 52801.

18 MR. LAKSHMANAN: Appearing on behalf of Dynergy,  
19 Joseph Lakshmanan, L-a-k-s-h-m-a-n-a-n, 2828 North  
20 Monroe Street, Chicago, Illinois, 62526.

21 JUDGE GILBERT: I'm sorry.

22 MR. FEIN: Constellation New Energy,

1 Incorporated, David I. Fein, 550 West Washington  
2 Boulevard, Suite 300, Chicago, Illinois, 60661.

3 JUDGE GILBERT: Before anyone else speaks, I need  
4 to help the court reporter. Mr. Lakshmanan, I'm  
5 going to spell your name for the court reporter.  
6 If I'm wrong, please tell me. L-a-k-s-h-m-a-n-a-n.

7 MR. LAKSHMANAN: That's right.

8 JUDGE GILBERT: Who's next.

9 MR. ROBERTSON: Eric Robertson, your Honor, on  
10 behalf of IIEC; Lueders, Robertson, Konzen &  
11 Fitzhenry, P. O. Box 735, Granite City, Illinois,  
12 62040.

13 JUDGE GILBERT: So that would be all of the other  
14 telephone parties for today. Thanks.

15 (No further appearances.)

16 At the end of our last episode, we were  
17 going to have a presentation today by the Attorney  
18 General as I understood from DCEO. You were both  
19 going to make presentations, correct?

20 MS. HEDMAN: Actually DCEO was going to make the  
21 presentation and, for a variety of reasons, they are  
22 unavailable today and we would like to reschedule in

1 about a month's time, and today I just had  
2 conversation with Commonwealth Edison about the  
3 possibility of putting together a joint presentation  
4 that would talk about where Commonwealth Edison is  
5 now and where they intend to go on demand response,  
6 could perhaps involve Ameren, if Ameren was  
7 interested, and we could talk about the best  
8 practices and policies in other states.

9 JUDGE GILBERT: Okay. And just so I'm clear,  
10 what -- are you speaking for DCEO?

11 MS. HEDMAN: Yes. They're available. They ask  
12 for an interval of about a month.

13 JUDGE GILBERT: Okay. Mr. Casey and Ms. Earl,  
14 did you want to respond to that?

15 MR. CASEY: As far as trying to move things  
16 along, Commonwealth Edison is or will be prepared to  
17 make a presentation within the time frame  
18 Ms. Hedman had referred to looking at that week in  
19 October I believe the 17th, 18th, or 19th.

20 JUDGE GILBERT: I'm fine with doing something  
21 during that week.

22 Let me hear from Ms. Earl first.

1 MS. EARL: Your Honor, I haven't spoken to my  
2 client yet about this presentation. I'm sure that  
3 they would want to participate in some way and,  
4 subject to checking with them, I believe that they  
5 would be interested in participating in a  
6 presentation in October.

7 JUDGE GILBERT: Ms. Hedman, as you understand it,  
8 would DCEO go forward with a presentation whether or  
9 not either of the utilities that have just been  
10 represented here are going to participate?

11 MS. HEDMAN: Yes.

12 JUDGE GILBERT: If we schedule something for that  
13 week in October, that's the week of the 16th, is it,  
14 as you understand it, reasonably likely we can, in  
15 fact, have a presentation during that week?

16 MS. HEDMAN: Yes, indeed, and I apologize. A  
17 variety of factors came together that prevented them  
18 from doing the presentation today.

19 JUDGE GILBERT: And I did receive an E-mail from  
20 Mr. Detweiler, and that's fine. I'm sure there are  
21 a variety of circumstances, and I don't blame  
22 DCEO (sic) not being able to go forward today.

1                   I just want to have some likelihood if  
2 we, in fact, schedule a definite date rather than  
3 leaving this open that we'll be able to go forward  
4 on that date.

5       MS. HEDMAN: We were hoping for a definite date  
6 so we can know that we'll be presenting --

7       JUDGE GILBERT: Okay. How about the 18th? I  
8 don't know if the Commission meets on that day. If  
9 they do, then we will be present as well, perhaps we  
10 could do that at 1.

11                   Anyone have a problem with 1 o'clock on  
12 October 18th?

13       MR. CASEY: No, your Honor.

14       MS. HEDMAN: That's fine.

15       JUDGE GILBERT: I know there have been some  
16 concerns that this docket might not go forward or  
17 not go forward in the form in which it's currently  
18 constituted.

19                   I certainly know no more than counsel  
20 sitting here today, and perhaps less, about the  
21 likelihood of this docket changing course, but I do  
22 have a sense that a workshop would be constructive

1 and perhaps even desired by the Commission and staff  
2 irrespective of the formal context in which that  
3 workshop is presented, whether it's within the  
4 context of the docket or whether it's voluntary, so  
5 I don't think your time will be wasted by any means  
6 if we go forward with this.

7 MS. HEDMAN: And, in that respect, it would also  
8 be true for the companion docket and renewable, and  
9 we would expect to make a presentation on October  
10 4th.

11 JUDGE GILBERT: Okay. Are we currently scheduled  
12 for October 4th?

13 MS. HEDMAN: Yes, we are. I'm just confirming  
14 that should be a firm date.

15 JUDGE GILBERT: Oh, okay.

16 MS. HEDMAN: We have been considering it a firm  
17 date and, in light of your comments now, I gather it  
18 is going to be a firm date.

19 JUDGE GILBERT: Okay. I didn't know that. I was  
20 just expecting the opposite, because today was  
21 cancelled, maybe the 4th would be as well.

22 MS. HEDMAN: That one's ready to go.

1 JUDGE GILBERT: All right. Then we have a date  
2 with respect to the presentation on demand response.

3 Is there anything else anyone wants to  
4 talk about today?

5 MR. CASEY: Nothing in addition other than on the  
6 18th, your Honor, Com Ed does consider that a  
7 definite date and it will be prepared to go forward  
8 with the presentation on that date regardless of any  
9 other circumstances that might arise, so you can  
10 count on that being a firm date.

11 JUDGE GILBERT: Okay. Good. Are there any  
12 logistical concerns with respect to those statements  
13 that folks want to talk about now? I'm pretty  
14 confident you can put on your show in this room in  
15 whatever fashion you choose.

16 There was just a presentation on energy  
17 efficiency I know that was conducted in this room.  
18 I assume things went without a major problem or any  
19 problems at all, and I assume what you will do on  
20 the 4th and on the 16th of October will be much like  
21 that; is that fair to say?

22 MR. CASEY: That's correct. I didn't -- I have

1 not heard of any problems that folks had with a  
2 presentation and, just to be clear, your Honor, I  
3 believe you mentioned the 16th. The date we had  
4 talked about before was the 18th.

5 JUDGE GILBERT: Did I say the 16th?

6 MR. CASEY: I just want to make sure we're on the  
7 same page. We don't want you showing up on --

8 JUDGE GILBERT: The right page on the 18th. I'm  
9 on the 16th, the wrong page.

10 JUDGE GILBERT: Yes, it's the 18th at 1. If  
11 there are any practical or logical concerns you need  
12 to address that I can help you prior to those dates,  
13 let me know. If not, I guess we'll just see each  
14 other back here. Okay.

15 Telephone parties, anything you need to  
16 add?

17 MS. HEDMAN: No, your Honor.

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1 JUDGE GILBERT: Sounds good. Then we're  
2 continued until Wednesday, the 18th of October, at 1  
3 p.m.

4 (Whereupon, the above  
5 matter was adjourned, to  
6 be continued to  
7 October 18, 2006 at  
8 1 o'clock p.m.)

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