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BEFORE THE
ILLINOIS COMMERCE COMMISSION

ILLINOIS COMMERCE COMMISSION) DOCKET NO.
On Its Own Motion) 09-0534
)
-vs-)
)
MT. CARMEL PUBLIC UTILITY COMPANY)
)
Reconciliation of revenues)
collected under gas adjustment)
charges with actual costs)
prudently incurred.)

Springfield, Illinois
Friday, September 17, 2010

Met, pursuant to notice, at 10:00 a.m.

BEFORE:

MR. LARRY JONES, Administrative Law Judge

APPEARANCES:

MR. ERIC BRAMLET
KOGER & BRAMLET, P.C.
316 ½ Market St.
PO Box 278
Mt. Carmel, IL 62863
Ph. (618) 263-3502

(Appearing via teleconference on
behalf of Mt. Carmel Public
Utility Company)

SULLIVAN REPORTING COMPANY, by
Carla J. Boehl, Reporter
CSR #084-002710

1 APPEARANCES: (Continued)

2 MR. SCOTT TOLSDORF
3 MS. MONA ELSAID
4 527 East Capitol Avenue
5 Springfield, Illinois 62701

6 (Appearing on behalf of Staff of
7 the Illinois Commerce
8 Commission)

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I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
SCOTT TOLSDORF Statement	16			
MONA ELSAID Statement	18			

EXHIBITS

	<u>MARKED</u>	<u>ADMITTED</u>
Mt. Carmel Public Utility 1.0	E-docket	15
Mt. Carmel Public Utility 2.0	E-docket	15
ICC Staff 1.0	E-docket	17
ICC Staff 2.0	E-docket	18

1 MS. ELSAID: On behalf of the Illinois Commerce
2 Commission, Mona Elsaid, Mona, M-O-N-A, Elsaid,
3 E-L-S-A-I-D. Business address is 527 East Capitol
4 Avenue, Springfield, Illinois 62701. Phone number
5 (217) 782-6311.

6 JUDGE JONES: Thank you. Are there any other
7 appearances? Let the record show there are not.

8 At this time to briefly go over the
9 procedures and agenda for today's hearing and other
10 procedural matters, we hereby go off the record.

11 (Whereupon there was then had an
12 off-the-record discussion.)

13 JUDGE JONES: Back on the record. Let the
14 record show there was an off-the-record discussion
15 for the purposes indicated. The process for going
16 forward today was discussed. The Staff witnesses are
17 here in the hearing room and I believe the plan is
18 that they will be sworn in and identify their
19 testimony in that manner. The Mt. Carmel witness has
20 submitted an affidavit to be offered into the record
21 along with the testimony to which it refers. So we
22 will get to that.

1 There was also some brief discussion
2 regarding inclusion of some information in the draft
3 order, for which a schedule would be put into place
4 at the close of the hearing.

5 At this time then I think we are ready
6 to proceed with the Company's case. Mr. Bramlet, do
7 you have some exhibits to offer into the record?

8 MR. BRAMLET: Yes, Your Honor. We would offer
9 exhibit Mt. Carmel Public Utility Company 1.0 which
10 is the direct testimony of Mr. Barnhard, accompanied
11 with his affidavit, and also Mt. Carmel Exhibit 2.0
12 which is attached to the affidavit which is the
13 public notices given in the newspaper and also at the
14 Company office.

15 JUDGE JONES: Thank you. Those are being
16 offered at this time, is that correct?

17 MR. BRAMLET: Yes, Your Honor.

18 JUDGE JONES: Any objections to the admission
19 of those?

20 MR. TOLSDORF: No, Your Honor.

21 JUDGE JONES: Let the record show those
22 exhibits are hereby admitted into the evidentiary

1 record.

2 Mr. Bramlet, did you want the
3 affidavit and the attachment to the affidavit to be
4 treated sort of collectively as Mt. Carmel Exhibit
5 2.0 or did you have something else in mind?

6 MR. BRAMLET: That's fine, Your Honor, either
7 that or just an affidavit sponsoring Exhibit 2.0,
8 whichever way you prefer.

9 JUDGE JONES: If we treat the affidavit as a
10 stand-alone exhibit, we will give it its own exhibit
11 number. We can do it either way you would like.

12 MR. BRAMLET: Your Honor, I would just do it
13 collectively as 2.0.

14 JUDGE JONES: Let the record show that the
15 exhibits filed yesterday on e-Docket, File 1,
16 affidavit of Philip Barnhard, and File 2, attachment
17 to the affidavit, are hereby admitted into the record
18 as Mt. Carmel Exhibit 2.0. They are admitted
19 collectively. And the filing date, as noted on
20 e-Docket, is September 16, 2010.

21 Also admitted is Mt. Carmel Exhibit
22 1.0 that was filed on April 16, 2010. Mr. Bramlet,

1 with regard to the attachments to that, do you want
2 those treated as stand-alone exhibits or simply as
3 part of Exhibit 1.0.

4 MR. BRAMLET: As part of Exhibit 1.0.

5 JUDGE JONES: So the April 16 filing being
6 admitted at this time will be Mt. Carmel Exhibit 1.0.
7 It includes Files 1, 2 and 3 as shown on e-Docket.
8 Or to put it another way, it includes the attachments
9 to the direct testimony. Together these items will
10 all be treated as Mt. Carmel Exhibit 1.0 and admitted
11 accordingly.

12 (Whereupon Mt. Carmel Public
13 Utility Company Exhibits 1.0 and
14 2.0 were admitted into
15 evidence.)

16 JUDGE JONES: Mr. Bramlet, there were certain
17 Staff recommendations made in the Staff testimony.
18 What is the status of those in terms of whether or
19 not Mt. Carmel is accepting them?

20 MR. BRAMLET: Your Honor, Mt. Carmel would
21 accept those adjustments made by Staff and that is
22 set forth in the affidavit of Philip Barnhard,

1 Exhibit 2.0, in Paragraph 4, stating his testimony
2 would be the same subject to the adjustments made by
3 Staff witnesses, that he would be accepting them.

4 JUDGE JONES: Thank you. All right. We will
5 proceed now with the Staff witnesses. Would you each
6 stand and raise your right-hand to be sworn, please?

7 (Whereupon the witnesses were
8 duly sworn by Judge Jones.)

9 JUDGE JONES: Thank you. Have a seat. Now,
10 Mr. Tolsdorf, do you want to lead off? And if you
11 do, go ahead and identify yourself and any testimony
12 or exhibits that you are sponsoring.

13 SCOTT TOLSDORF
14 called as a witness on behalf of Staff of the
15 Illinois Commerce Commission, having been first duly
16 sworn, was examined and testified as follows:

17 STATEMENT

18 MR. TOLSDORF: Yes, sir. Your Honor, Scott
19 Tolsdorf. Staff moves for the admission of ICC Staff
20 Exhibit 1.0 titled the Direct Testimony of Scott
21 Tolsdorf. It consists of a cover page, four pages of
22 narrative testimony and Schedule 1 which is one page.

1 These documents were previously filed via the
2 Commission's e-Docket system on September 3, 2010.
3 And if asked the questions posed on ICC Staff Exhibit
4 1.0, I would provide the same answers contained in
5 ICC Staff Exhibit 1.0.

6 JUDGE JONES: Thank you. Let the record show
7 that ICC -- let me back up a minute. Any objection
8 to the admission of that exhibit?

9 MR. BRAMLET: No, Your Honor.

10 JUDGE JONES: Let the record show that ICC
11 Staff Exhibit 1.0 sponsored by Mr. Tolsdorf is
12 admitted into the evidentiary record as filed on
13 e-Docket on September 3, 2010. Is it correct that
14 the intent is that the attachment or attached
15 schedule be treated as part of that exhibit?

16 MR. TOLSDORF: Yes, Your Honor.

17 JUDGE JONES: The admission of the exhibit
18 includes the attachment to it.

19 (Whereupon ICC Staff Exhibit 1.0
20 was admitted into evidence.)

21 JUDGE JONES: Thank you. Would you identify
22 yourself and your testimony, please?

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MONA ELSAID

called as a witness on behalf of Staff of the Illinois Commerce Commission, having been first duly sworn, was examined and testified as follows:

STATEMENT

BY MS. ELSAID: My name is Mona Elsaid. My testimony is ICC Staff Exhibit 2 entitled Testimony of Mona Elsaid, September 7, 2010. My testimony is four pages including the cover page and there is an attachment to my testimony, Attachment A consisting of two pages. If I was asked the same questions in my testimony today, my answers would be the same.

JUDGE JONES: Okay, thank you. Are there any objections to the admission of this testimony?

MR. BRAMLET: No, Your Honor.

JUDGE JONES: Let the record show that ICC Staff Exhibit 2.0 filed on e-Docket on September 3, 2010, is hereby admitted into the evidentiary record. The admission of that exhibit includes the attachments to it. Thank you.

(Whereupon ICC Staff Exhibit 2.0 was admitted into evidence.)

1 JUDGE JONES: Does Staff have anything else?

2 MR. TOLSDORF: No, Your Honor.

3 JUDGE JONES: I believe the parties are in
4 agreement on a process for preparation and submission
5 of a draft or suggested Order. I think the final
6 date of doing that would be three weeks from today.
7 That would be the submission of the draft Order to
8 the Commission, is that correct, Mr. Bramlet?

9 MR. BRAMLET: Yeah, the two weeks would get it
10 to the Staff and then ultimately it would get to you
11 around the following week.

12 JUDGE JONES: So we will provide a date of 21
13 days from today for the actual submission of it to
14 the Commission. Is that agreeable to Staff?

15 MR. TOLSDORF: Yes, Your Honor.

16 MS. ELSAID: Yes.

17 JUDGE JONES: Mr. Bramlet, among other things
18 will that draft Order identify the number of
19 customers in and communities served and contain a
20 brief description of the Mt. Carmel distribution
21 system?

22 MR. BRAMLET: Yes, Your Honor, and we will also

1 try to put in there the peak day for 2009.

2 And for the record, Your Honor, today
3 I would go ahead and note that the prior contract we
4 had with Duke Energy expired, I believe it was, May
5 31 of this year and we do have a new contract in
6 place with Ameren Energy Marketing going forward.

7 JUDGE JONES: Thank you for that information.
8 I think that may cover the bases. Let me make sure.
9 Do the parties have anything else before we conclude
10 today's hearing?

11 MR. TOLSDORF: No, Your Honor.

12 MS. ELSAID: No.

13 MR. BRAMLET: Mt. Carmel has nothing, Your
14 Honor.

15 JUDGE JONES: All right. At this time then let
16 the record show that today's hearing is concluded.
17 Subject to the above-referenced post-hearing
18 scheduling, this matter is hereby marked heard and
19 taken.

20 HEARD AND TAKEN

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