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BEFORE THE
ILLINOIS COMMERCE COMMISSION

ILLINOIS COMMERCE COMMISSION) DOCKET NO.
On Its Own Motion) 11-0546
-vs-)
COMMONWEALTH EDISON COMPANY)
Evaluation of experimental)
residential real-time pricing)
program.)

Springfield, Illinois
Wednesday, February 15, 2012

Met, pursuant to notice, at 9:00 a.m.

BEFORE:

MR. JOHN ALBERS, Administrative Law Judge

APPEARANCES:

MS. JESSICA L. CARDONI
MR. JOHN SAGONE
Office of General Counsel
Illinois Commerce Commission
160 North LaSalle Street, Suite C-800
Chicago, Illinois 60601

(Appearing via teleconference
on behalf of Staff witnesses of
the Illinois Commerce
Commission)

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

1 APPEARANCES: (Continued)

2 MR. JOHN ROONEY
3 ROONEY RIPPIE & RATNASWAMY, LLP
4 350 West Hubbard Street, Suite 430
5 Chicago, Illinois 60654

6 (Appearing via teleconference on
7 behalf of Commonwealth Edison
8 Company)

9 MS. KRISTIN MUNSCHE
10 Citizens Utility Board
11 309 West Washington, Suite 800
12 Chicago, Illinois 60606

13 (Appearing via teleconference on
14 behalf of the Citizens Utility
15 Board)

16 MR. RONALD D. JOLLY
17 Senior Counsel
18 Department of Law
19 City of Chicago
20 30 North LaSalle, Suite 900
21 Chicago, Illinois 60602-2580

22 (Appearing via teleconference
on behalf of the City of
Chicago)

MS. CATHY C. YU
Public Utilities Bureau
Illinois Attorney General's Office
100 West Randolph Street, 11th Floor
Chicago, Illinois 60601

(Appearing via teleconference on
behalf of the People of the
State of Illinois)

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WITNESS

DIRECT

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(None)

EXHIBITS

MARKED

ADMITTED

(None)

1 MR. ROONEY: Whoops, okay, my mistake.

2 JUDGE ALBERS: That's all right. So the record
3 is clear.

4 MS. YU: Cathy Yu on behalf of the Office of
5 the Illinois Attorney General, 100 West Randolph
6 Street, Chicago, Illinois 60601, and the AG's Office
7 is appearing in both dockets.

8 MR. JOLLY: On behalf of the City of Chicago,
9 Ronald D. Jolly, 30 North LaSalle, Suite 1400,
10 Chicago, Illinois 60602, appearing in the ComEd
11 docket also.

12 MS. MUNSCHE: Kristin Munsch on behalf of the
13 Citizens Utility Board, 309 West Washington Street,
14 Suite 800, Chicago, Illinois 60606, appearing in both
15 dockets.

16 MR. TOMC: Matthew R. Tomc appearing on behalf
17 of the Ameren Illinois Company. My address is 1901
18 Chouteau Avenue, St. Louis, Missouri 63166. I will
19 be appearing in the Ameren docket, that being Docket
20 11-0547.

21 JUDGE ALBERS: Any others wishing to enter an
22 appearance?

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(No response.)

Let the record show no response.

I do not have any preliminary matters this morning in either docket. Does anyone else care to raise any at this time?

MS. CARDONI: Judge, this is Jessica Cardoni on behalf of Staff, and I am happy to give a summary about where we are at in both dockets, if that's okay.

JUDGE ALBERS: Sure.

MS. CARDONI: I think at this point we have had discussions among the parties in both dockets and we are at this point ready to put some dates into the record. I will start with the ComEd docket 11-0546.

We have had numerous discussions amongst the parties and we have definitely narrowed the issues significantly. I think what he would like to do going forward is set a schedule for comments. We had discussed March 19 as a date for ComEd to submit reports by its consultants Navigant and Brattle with accompanying testimony. On April 16 all parties will submit initial verified comments. On

1 May 1 all parties will submit reply verified
2 comments, if necessary. And then on May 15 the
3 parties will supply either Joint Orders or individual
4 draft Proposed Orders.

5 JUDGE ALBERS: Okay. Just let me make sure I
6 got that. On March 19 we are proposing that in the
7 ComEd docket, anyway, we receive reports from the
8 entities actually operating the program? Is that --
9 no? Yes?

10 MS. CARDONI: The evaluation, the evaluators.

11 JUDGE ALBERS: All right. So the evaluators of
12 the program will submit reports on March 19 as well
13 as testimony you said?

14 MS. CARDONI: Yes.

15 JUDGE ALBERS: And the testimony will be from
16 the evaluators?

17 MS. CARDONI: From Commonwealth Edison is my
18 understanding.

19 JUDGE ALBERS: Okay. And testimony --

20 MR. ROONEY: Judge, it could either be ComEd
21 testimony with the reports attached or some testimony
22 from the actual evaluators themselves.

1 JUDGE ALBERS: Whichever is more appropriate.
2 I just want to make sure I understand what is being
3 suggested.

4 MR. ROONEY: Sure.

5 JUDGE ALBERS: And then after that on April --
6 what was the date again?

7 MS. CARDONI: April 16.

8 JUDGE ALBERS: April 16 would be comments on
9 the ComEd testimony?

10 MS. CARDONI: Yeah.

11 JUDGE ALBERS: Now, is that as opposed to
12 testimony itself?

13 MS. CARDONI: I think it was discussed that it
14 would be more appropriate for the parties to file
15 verified comments just discussing what was filed in
16 general, because we really don't think there is going
17 to be a lot of, I gues not disputes, but a lot of
18 issues to discuss once the evaluations are filed. So
19 I don't think testimony is necessary per se.

20 JUDGE ALBERS: Well, not knowing what the
21 initial testimony from ComEd is going to say, I am
22 not sure how to take the suggestion that we only have

1 comments. If we do end up having to have any kind of
2 questioning or cross exam, it would be useful to have
3 actual witnesses to respond to those.

4 MS. CARDONI: Will your preference be that we
5 file testimony on the 16th instead?

6 JUDGE ALBERS: I think I would be more
7 comfortable with that, yeah, just in case we need to
8 be able to ask questions of any individuals. Because
9 I assume that your comments will be more of comments
10 of Staff as opposed to comments of any individual
11 person, any individual witness, is that correct?

12 MS. CARDONI: Well, it would probably be
13 comments of one or more Staff witnesses in response
14 to the testimony filed.

15 JUDGE ALBERS: Okay. Were you thinking of
16 comments like in the form of a verified statement so
17 to speak?

18 MS. CARDONI: Yes, exactly.

19 JUDGE ALBERS: Okay. So there will be a name
20 associated with it?

21 MS. CARDONI: Oh, yes, absolutely.

22 JUDGE ALBERS: So it is not just going to be

1 the comment of AG, the comment of CUB?

2 MS. CARDONI: It will be the comment of Eric
3 Schlaff and his accompanying affidavit, is my
4 understanding. If parties don't think that's what we
5 agreed to, feel free to jump in. But that was my
6 understanding.

7 MS. MUNSCHE: This is Kristin Munsch with CUB.

8 I think that that is fine. I think it
9 would be a statement from one person. We would have
10 our own witness just like Staff would have Dr.
11 Schlaff.

12 JUDGE ALBERS: So if I had questions,
13 clarification questions in the end, we could bring
14 someone on the stand to address that.

15 MS. MUNSCHE: Yes.

16 JUDGE ALBERS: Okay. I feel better about that.

17 MS. MUNSCHE: Yes, I think it was just, as Ms.
18 Cardoni said, it was because we have talked about and
19 I think there are not going to be very many issues
20 amongst the parties themselves at this point.

21 JUDGE ALBERS: Okay. Well, as long as I can
22 follow up with an individual on the stand if I need

1 to, I feel better about it.

2 MS. MUNSCH: We can do that.

3 MS. CARDONI: And, Judge, I guess since you
4 bring that up, we didn't set a status/evidentiary.
5 So perhaps it would be worthwhile to do that so that
6 if you did want to question a witness, we could do
7 that.

8 JUDGE ALBERS: Yeah, I was going to get to that
9 when we got to the end of your suggested dates. But
10 we would have initial comments that would have an
11 affidavit attached on April 16 and then reply
12 comments with an affidavit on May 1, if any are even
13 needed. And then why don't we try to set a schedule
14 then around -- set a hearing around mid-May just in
15 case we need to have any questions. Then I can go
16 ahead and formally admit into the record the comments
17 that are offered.

18 MS. CARDONI: Can I suggest May 15 since we
19 already had agreed to that date for another filing,
20 so I know we will probably be available then.

21 JUDGE ALBERS: Yeah, that's fine. I would just
22 note that I have been informed that on May 15 that's

1 one of the first days of the NATO/G8 summit in
2 Chicago. I don't know if that's going to cause any
3 concerns for you folks up there in terms of getting
4 around if there is a need to get anywhere. If not, I
5 am fine doing it on the 15th.

6 MR. JOLLY: We may want to escape the city.

7 MS. MUNSCHE: I was thinking the same thing.

8 MR. ROONEY: Yeah, we will be headed south,
9 judge.

10 JUDGE ALBERS: Well, if no one has a problem
11 with the 15th wherever it is at, then that's fine
12 with me.

13 Time preference?

14 MS. MUNSCHE: Can we say 10:00 if we do have to
15 travel out?

16 JUDGE ALBERS: That's fine. All right. And
17 also on the 15th I have -- was it a draft order to me
18 or to each other by then?

19 MS. CARDONI: It was to you, Judge, but maybe
20 we should hold off on that date and see where we are
21 at on the 15th.

22 JUDGE ALBERS: That's fine.

1 MS. CARDONI: Okay.

2 JUDGE ALBERS: Was there anything else for the
3 ComEd docket then?

4 MS. CARDONI: Nothing.

5 JUDGE ALBERS: Okay. And then for the Ameren
6 docket?

7 MS. CARDONI: For Ameren we had set a date of
8 April 4 for Ameren to file its program evaluation
9 from Brattle and its direct testimony. And at that
10 point the parties are going to have some informal
11 discussions about that testimony and narrow issues
12 further. So we would like to set a status with you
13 for April 19 to set a further schedule, be it
14 testimony or the same kind of verified comments as we
15 did in the ComEd dockets.

16 JUDGE ALBERS: April 19?

17 MS. CARDONI: Yes.

18 JUDGE ALBERS: Okay, that's fine. Time
19 preference?

20 MS. CARDONI: Shall we just do 10:00 a.m.?

21 MR. TOMC: That works for me, Your Honor.

22 JUDGE ALBERS: Okay. So April 4 for the AIC

1 testimony with the Brattle reports and a status on
2 April 19 at ten o'clock.

3 Okay. I think both of those schedules
4 seem okay to me now. Is there anything else for the
5 record today?

6 MS. CARDONI: Nothing from Staff, Judge.

7 JUDGE ALBERS: Okay. I'll take the silence
8 from the rest of you that you are all comfortable
9 with this. So with that, I thank you, all, and I
10 will continue the ComEd Docket 11-0546 to May 15 at
11 10:00 a.m. and continue the Ameren docket 11-0457 to
12 April 19 at 10:00 a.m.

13 (Whereupon the hearing in this
14 matter was continued until May
15 15, 2012, at 10:00 a.m. in
16 Springfield, Illinois.)

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